

Borough of Ben Avon Heights

Tuesday, February 9th, 2020 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Mayor: Dismukes

Solicitor: Vogel, Tucker Arensberg

OTPD: Chief Hanny

Fire:

Secretary: DiNuzzo

Residents: Alexis McCune, Steve Stiller

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

- 1. Approval of January meeting minutes: A motion was made by Mr. Radcliffe to approve the meeting minutes. Mr. Mihalko seconds the motion. The motion passed unanimously.**
- 2. Approval of December financials: A motion was made by Mr. Radcliffe to approve the December financials. Mrs. Neunder seconds the motion.** Council had a few questions on the financials, discussion took place. Mr. Dismukes asked if the accountant would have the answers to many of the questions they had and Mr. Cuteri responded that she would, and that he and Ms. DiNuzzo need to meet with her again soon. Mr. Brown had some concerns on the Borough spending over on the Liquid Fuels account. **Mr. Brown abstains. The motion passed.**
- 3. Fire Report:** There was no fire representation as they were out at a call.
- 4. Police Report:** For the month of January there were a total of 87 calls, 80 of those routine patrol. Mrs. Neunder raised the question on an incident she heard about where a driver was driving in the neighborhood missing a wheel and possibly damaged part of Oxford Road. Chief did state he did have one careless driver traffic related call, but did not believe it was the same.
- 5. Public Comment:** Alexis McCune at 14 Oxford felt that from a public safety point, it was the time that families would be out at 6:30 at night that this incident happened. The person looked incapacitated who was driving. So, I think that's more of a public safety issue. I don't know if the Chief can speak to that. Chief Hanny asked if she was referencing the one council was just speaking of, the careless driving? Alexis responded yes, he hit some curbs and it was dangerous. It's the time when children and families are out even if it's in the winter, people are out walking their dogs. It was like 6:30-7 o'clock at night. Mr. Dismukes asked what road this took place on. Ms. McCune responded that the person hit the curb across the street from her home on Oxford, and it ended up at Banbury and the person doesn't live in the neighborhood. But, is a guest of somebody in the neighborhood. That frequents the neighborhood.

Mr. Cuteri responded that council did receive a report about that incident, but thought it happened in December, not January, but guesses it was in January. Chief Hanny responded that it did take place in January. He also stated that the only thing he could say about that was that they responded to the situation they were presented with and they resolved it. As far as your concern with the time of the day and it's always a concern with public safety and reckless drivers, but it's a rarity up here; we address the issues as they come



**Ben Avon Heights Borough
12 Lynton Lane
Pittsburgh PA 15202**

up. Ms. McCune responded that she also was pointing out that there was damage done to Borough property, like curbs and the street as well. Mr. Cuteri replied that we were not aware of this. He then asked if this damage was in front of her house. Ms. McCune responded that they hit the curb in front of the Hickman's and she heard the car go through the first time and then she heard it come back through the second time about 20 minutes to half an hour later and I mean narrowly missed the O'Brien's vehicle which was parked on the street. And it was pretty bad the neighbor across the street came out too. There were a bunch of people who came out because it was really loud. And there was some damage done to some curbs and damage done to the street. But it's also a public safety issue because it was someone driving erratically.

Mr. Cuteri responded that he understands it's a public safety issue but what is her question. Chief Hanny responded that he will look at the street and take a closer look to see if there was damage there, we have the persons information, we have their insurance, if there is something that the Borough needs to charge that needs to be repaired, we have that information. He also stated that he was unaware of the damage done to the street but again, careless driving does occur, people do silly things at times, but we addressed the issue as it was presented to us. Ms. McCune replied that she felt the need to point it out because you said it was a relatively quiet month, that was something people had concerns about. So, I'm bringing that up because it's a public safety concern. Mr. Cuteri thanked Ms. McCune and Chief Hanny.

Steve Stiller at 21 New Brighton questioned if this driver was cited for driving while intoxicated or was this just careless driving? Chief Hanny responded that he would have to get back to Mr. Stiller and council on that question as he doesn't remember off the top of his head what they were cited for. But like he said he'll take a closer look at the street and if there was any information there pertaining to that. Mr. Stiller thanked the Chief.

Alexis McCune from 14 Oxford stated that I guess I had a question, I know I did ask before with the Police Chief, just to clarify, because I was one of the ones that called the police regarding that because it was a dangerous situation. I guess I'm wondering what the need-to-know information is with the neighborhood and the want to know information; and who posts on social media, who has the ability to post on Facebook? Who has the ability to post on our Facebook page? Is it anybody? Or is it controlled by an administrator? Mr. Cuteri responded that it is controlled by us, and questioned if there was something that she would like to be posted? Ms. McCune replied that no, that recently as of last week there was a posting of an individual that was not convicted of a crime but, had to do with an incident on 65, a shooting and it was a suspect, but the likelihood it didn't happen in our neighborhood. I'm just advocating and pointing out the fact that something like that didn't happen in our neighborhood and its unlikely that we would come across that suspect, when they don't even reside in our neighborhood and I guess I'm trying to understand why that was posted, it's not necessarily a need to know information for our Borough, but then information about police happening in our neighborhood that was a safety issue, it wasn't even stated by the police and is a concern of the residents and that's kind of a need to know thing.

Because that person is a guest in the neighborhood and frequents the neighborhood, I believe it's a boyfriend of a resident, and it was a public safety issues and I have some concerns. So, that's a need-to-know information that perhaps eventually, but that another suspect that was posted on there I don't think it's appropriate for that to be on our Facebook Page. It's not a need-to-know thing; and unfortunately for that person, that's a searchable thing that will come up again and again and you know it was a black man, that happened to be a suspect, but I don't think we need to have that on our Borough Facebook page.

Steve Stiller at 21 New Brighton stated, Alexis, I'll answer your question. We have a committee on who can post to our social media, so we have a communications committee which is Jason Brown and myself. That particular post, that originally was posted by the Ohio Township Police Department and so we just reposted that. In partnership with the OT Police Department, there are some things we feel may have some sort of bearing on the safety of the neighborhood and things like that so we will share those. We don't post a lot of things on our social media, but we do partner with the Ohio Township Police Department. We don't go out and post, lots of different things on our social media as you can tell by our level of posts, we're not posting a lot. Ms. McCune responded that, that was why she was surprised. Mr. Stiller continued that we do partner with the OT police department and will continue to report what they post because it's public information and it's something that's important.

Ms. McCune responded that she understood that but, on the contrast, of that, I think that I'm pointing out that need to know information for somebody who is driving erratically and I can confirm that I called the police. The person was under the influence. So that was in the evening when people were out, it was a public

safety issue. That's need-to-know information that they glazed over in the police report. So, I'm contrasting that with having the other report posted, I'm approaching it from an equality perspective.

Mr. Cuteri interrupted, look, Alexis, I understand your concern, I don't think the police department, they're posting public information, there is no reason we shouldn't share with the residents for safety. When you say need to know, I don't know who is the judge of that. But if they police department posts it, and they see it as a viable concern, then we have an obligation to our residents to post it. Ms. McCune responded that she is pointing out the contrast of the two. Because that happened in our neighborhood and it wasn't even reported in the police report at the beginning of the meeting. There's a contrast there. Mr. Dismukes at 22 Clovelly responded, let me ask this question, it sounds like I think – Mr. Cuteri interrupted, hold on Scott, we will look into this and address it, I don't want to get into a dialogue about that because we don't have all the facts. Ms. McCune responded that that was okay and she respected that. Mr. Cuteri continued, that he will find out what exactly, whether there was a report or not about this individual in the neighborhood, and we'll talk to Chief Hanny. He was going to get us that information and we'll see what's going on. So, thank you. Ms. McCune apologized that and that was something that happened in our neighborhood.

- 6. Engineers Report:** Mr. Cuteri had a few questions for LSSE pertaining to the COA as he noted a lot of billing for this, this past month. Mr. Heyl responded that, that pertains to the maintenance and CCTV work. Mr. Cuteri also asked what type of budget is the Borough looking at with repairs. Mr. Heyl stated they do not have one yet, but the Borough will have the cost estimates, the defects and the scope of the work and where it will be. Mr. Cuteri stated that in the memo that ALCOSAN has a Grow program and that LSSE believes the Borough may be eligible for this grant. Mr. Heyl said yes, they have just opened this cycle of the Grow grant and they believe the Borough would be able to receive at least partial reimbursement from the grant for the work they're going to do. Discussion took place over the Phase II of the COA as the Borough is frustrated with ALCOSAN and the lengths the Borough has gone to comply for such a small municipality. The Borough feels our system is in great condition and feel the Borough is already meeting ALCOSANS standards and they should receive a waiver from this next phase. Ben Avon Heights Borough was one of the very few Municipalities that complied with the original consent order. And we continue to be lumped in with those that did not comply. Mr. Vogel stated that he would discuss this with some of his partners who are knowledgeable in this topic and will communicate his findings with Mr. Heyl.

Mr. Cuteri noted that the bid work is due on March 5th and questioned the due date as it normally done at council meetings. Mr. Heyl explained that LSSE is now using an online system for a better bidding process, which doesn't allow for errors. The announcement will take place over a GoToMeeting and he will send the information to Ms. DiNuzzo to share with council if they would also like to attend. Mr. Cuteri asked Mr. Heyl if they found any issues with their survey work for the up-and-coming road project. Mr. Heyl stated that the only one he saw in the design was on Stratford, as the road is already as wide as it can be with the Right-of-ways. Mr. Radcliffe asked if Devon was okay, or if there was an issue with Devon. Mr. Heyl could not remember the details of Devon, but they can still go according to plan and push the curbs back. The AD for this bid will run on February 12th and 19th, 2021 in The Citizen.

- 7. Comcast agreement:** Mr. Vogel updated the council that we should have the final signed document back from Comcast by the end of the month. He also noted that we have another agreement with Verizon, Ms. DiNuzzo will look into this.
- 8. Jordan Tax Service Proposal:** Mr. Cuteri informed council that it was time to negotiate the contract for 2022-2025. The fee would stay the same, plus postage increases as they come. Mr. Cuteri questioned if would could get an electronic delivery option for residents to reduce postage costs. Mr. Vogel responded that he can ask them on the Borough's behalf. He also believes this looks like a standard agreement. **A motion to accept Jordan Tax Service to continue their tax collection service at the same rate \$3.50 per tax bill plus postage was made by Mr. Brown. Mr. Radcliffe seconds the motion.** Cuteri would like to add in if there's an option for residents to opt in for electronic bills. Mr. Stiller brought up that there was a resident who came to council with a complaint with Jordan and wanted to know if council knew of any other complaints. If there were more, should we look into other service providers? Mr. Cuteri was unaware of any other. Mr. Vogel

**Ben Avon Heights Borough
12 Lynton Lane
Pittsburgh PA 15202**

noted that collecting delinquent taxes can be a challenging experience and there are only a few who provide these services in the area.

Allegheny County Certification: Mr. Vogel will submit this on the behalf of the Borough. He noted that the mayor's term is up, the tax collectors' term is up as well as 3 council members.

9. Recycled Materials Report: Mr. Cuteri noted that there had previously been a question on how our recycled materials are handled. Ms. DiNuzzo was able to obtain a report for council by Valley Waste. Mr. Brown had a question on cardboard as he has seen them on numerous occasions take cardboard as trash. Ms. DiNuzzo will look into this. Mr. Dawley was thankful for the report and found it interesting on where it goes. Mrs. Neunder asked if the mayor had any updates with the glass recycling program. Mr. Dismukes does not.

10. Zoning applications: For the month of January there were no applications submitted.

11. Executive session: There will be no executive session this evening.

Meeting ended at 7:58pm

The next scheduled meeting is March 9th, 2020 at 7:00 pm at Avalon Volunteer Fire Department.

Jessica DiNuzzo, Secretary

Suspect Posting on Borough Facebook or Website

Alan Cuteri <acuteri@stradallc.com>

Sat, Feb 20, 2021 at 12:53 PM

To: McCune Alexa <amccune@andrew.cmu.edu>

Bcc: ben avon heights borough <benavonheightsborough6@gmail.com>, Dismukes Scott <SDismukes@eckertseamans.com>, Jacquelyn Neunder <jneunder@gmail.com>, Jason Brown <dryojj@gmail.com>, Joe Dawley <dawleyjoe@gmail.com>, John Radcliffe <j.radcliffe@comcast.net>, Mihalko Greg <mihalkoinc@aol.com>, Stiller Steven <stiller8771@gmail.com>, "Vogel, John" <jvogel@tuckerlaw.com>

Alexa,

Sorry it has taken a while to get back to you on the issue you raised at our last council meeting.

I looked into your concern about our sharing a post from the Allegheny County Police to our official BAH social media page and your feeling that it was in-appropriate when we did not list the other incident that happened in the borough which you believed to be a greater safety concern.

On January 25, Mr. Ferguson was listed as a suspect in a shooting of a pregnant woman near BAHB. The initial report was police were searching for Mr. Ferguson and Ohio Township Police as well as county police were involved.

It appears to me that Mr. Ferguson was subsequently apprehended and charged accordingly per an additional article.

The incident in the borough was not similar to this situation. This was a domestic issue as described in the police report, and the individuals involved were not identified by the police report, but only that the "offender" was charged via summons. There was alcohol involved and the report references the location of the call response but does not tie the listed address to the incident or individuals, and there was no information provided to BAHB, prior to our meeting or now, that identifies the individuals involved.

The police have looked for damage on the street and curb in front of your house, but due to the heavy snow nothing was found as of yet. They will re-look after the snow has cleared, and they were unaware at the time of the incident that there was damage to the street or curb in front of your house as this incident unfolded on Banbury, not Oxford from the report.

You may have personal information regarding this incident but council has no other information.,

Please note that there is no way for us to know if those involved are residents, or not, or if there is an ongoing danger (the report did not acknowledge an ongoing threat) only that the incident that night was resolved by police before we were notified.

The former incident was a cause for immediate concern and danger to the community and it was reasonable to alert the community to that local threat.

In summary Mr. Ferguson was not published because of the color of his skin, only due to the nature of the incident and the ongoing risk to the community and I believe this information was obtained from already publicly reported information.

I hope this answers your concerns in this matter.

Thanks for your participation in the community.

Sincerely,

Al Cuteri
Council President

"If we are to guard against ignorance and remain free, it is the responsibility of every American to be informed" Thomas Jefferson