



**Borough of Ben Avon Heights**

**Tuesday, March 9th, 2020 - Council Meeting Minutes**

**Present:**

Council Members: Cuteri, Dawley, Mihalko, Neunder, Radcliffe, Stiller, A quorum is in attendance

Mayor: Dismukes

Solicitor: Vogel, Tucker Arensberg

OTPD: Chief Hanny

Fire: Chief Berie

Secretary: DiNuzzo

Residents: Clayton Morris

**Mr. Cuteri called the meeting to order at 7:00 PM.**

- 1. Approval of February meeting minutes: A motion was made by Mr. Radcliffe to approve the meeting minutes. Mr. Stiller seconds the motion.** It was noted there was a typo on the first page. This typo was found and corrected. **The motion passed unanimously.**
- 2. Approval of January financials: A motion was made by Mr. Radcliffe to approve the January financials. Mr. Mihalko seconds the motion.** Mr. Cuteri noted that this is the new layout that he, Jessica and the accountant had been working on over the past few months, this version aligns with the budget spreadsheet for easier budgeting at year end. Council thought it looked good. Mr. Mihalko questioned if we were required to have separate checking accounts. Mr. Cuteri stated they were not separate checking accounts, Ms. DiNuzzo confirmed the only account we write checks from is the General Funds account. Mr. Mihalko also asked why there were three sections for the solicitor, when there was an overall budget amount. Mr. Cuteri explained that we break the budgeted amount with regard to the services provided, such as attending meetings, work on ordinances and contracts, and legal matters, as this is needed for budgeting. **The motion passed unanimously.**
- 3. Fire Report:** Fire representation had to leave due to a call.
- 4. Police Report:** For the month of February there were 10 department road call outs, a few assisting with EMS, 1 citation and 1 domestic issue that they responded to. Mr. Dawley raised a question on whether or not we closed out on the issue at the last meeting with the car. Mr. Cuteri stated that there was a letter sent via email that was attached to the meeting minutes to resident Alexis McCune responding to her questions. Chief Hanny also added that there are times in which he can elaborate in events and times when he cannot; he keeps council aware of things, but he has to abide by the legal requirements.
- 5. Engineers Report - Copy Attached**

LSSE to presented a couple of key points to council, they indicated Borough is in a very good position, due to the fact that the 2017 study showed and identified that the Boroughs flow was well below the goal line. Mr. Cuteri questioned that if the Boroughs tests show we're below the standard goal line, does this mean the Borough will not have to take any corrective measures under the current consent order? LSSE believes that this is correct, that the Borough does not have to get below the standard line, because the Borough is already there, but LSSE also wants the Borough to be prepared to be asked to reduce the flow by 10%. Mr. Cuteri also asked if we would get any consideration as we fully

complied with the first consent order. LSSE does not believe we would get a consideration towards the new consent order as a reward for complying fully with the first consent order. They also believe there would be no consideration as the second agreement is a longer period of 6 years, as the first was only 2.

Mr. Vogel noted that at his firm, one of the attorneys attended a meeting with the Wet weathers project attorneys, and his understanding is that there are a few options the Borough can do: One is to reduce the amount of inflow and infiltration into the SSS (sanitary storm sewer) with a 10% project. Or, provide payments to another ALCOSAN customer municipality, to assist that municipality to implement inflow and infiltration reduction process project, equivalent to the amount it would cost the Borough to implement a 10% project; or enforce ordinances regulating the testing of private sewers. Mr. Vogel understands that if we choose the first option, then we can also get a credit for a 5% reduction of flow, if we can demonstrate through an engineer's report within the 48 months prior to the execution of the latest consent order, achieved a reduction of the inflow and infiltration rate and it's SSS by 5% , is this correct? LLSE confirmed that that interpretation is correct. Many council members raised concerns about whether there will even be a chance for negotiation or not once the document is released to the Borough in April.

Mr. Mihalko had a question on the notes in one of the provided reports from LSSE. In the notes in talks about the Boroughs sewer system and its gravity flow and there are no pump stations, which he interpreted as no public pump stations. But he wondered if that included private pumping stations as he has seen some E1 grinder pumps in the area but are unsure if they are pumping into our system. Mr. Cuteri noted that some residents do have them as they have gone off septic.

Mr. Stiller questioned if there were any other phases that we know of, is there a phase 3? Phase 4? Is there a cap on when the consent is going to be finished? Mr. Dismukes stated that you can assume there is one more as Phase 2 is 6 years long, which does not match the agreement term between ALCOSAN and the department of justice.

**b.) Sewer Line repair budget:** LSSE provided a draft plan which summarized the CCTV work visually and identified the cost for class 4&5 defects which there were a few more than LSSE had anticipated. The good news is the sewers are in good enough shape where they can just line and not dig up and replace the lines. There also needs to be 1–2-man holes added. Mr. Dismukes asked where these lines were located in the Borough. LSSE stated that there was a section of sewer on Cambridge, 2 sections on Briar Cliff, 2 sections on Banbury and 1 section between Briar Cliff and Banbury. Mr. Cuteri questioned why we needed to line the pipes with defects. LSSE stated that class 4&5 defects are basically cracking all the way around the pipe in multiple locations and there are even sections of the pipe missing. The section between Banbury and Briar Cliff, and the section on Briar Cliff are the worst on the list, so if the Borough would prefer to break this project up, LSSE suggests starting there.

Mr. Cuteri stated he would like to wait and see the final consent order and see if this project or part of the project can get approved towards the new consent order. He would prefer to break this project up over 2-4 years. Mr. Dismukes asked what the expected life of the lining of the pipes were. LSSE stated that the lining of the pipes is 50 years as it's basically a brand-new plastic pipe inside the existing clay pipe. The spot liners tend to be problematic. Mr. Stiller questioned what the reduction of flow would be with the piper lining. LSSE stated that depending on the cracks and leaks some have significantly reduced the flow, others not so much. Mr. Cuteri stated this was helpful and would like to re-visit this project after the consent is released so we have a better sense of what is going on. We'll also do another CCTV this summer. LSSE confirmed they will schedule another CCTV for the Borough when the weather gets better.

**c.) Road Bid:** LSSE noted there is one item on the bids that caused some confusion, but they noted that the way the 1<sup>st</sup> contractor bid, they submitted as a credit. Stratford, Devon, Kent and Biddeford were the original planned streets for 2021. It was noted that this would bring the cost to a little over \$2000,000. Mr. Cuteri noted council did not budget that much for this project for 2021. Council debated on which of the roads in phase 1 were the most important. Ms. DiNuzzo noted that in December 2020, council moved \$100,000 from the General Fund to the Reserve Fund. Mr. Cuteri asked what the most recent balance was in the Reserve Fund account. Ms. DiNuzzo stated that as of February there was a balance of

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\$534,573.42. After much discussion and debate, council decided to amend the 2021 budget and move the \$37,000 from the reserve fund to the road construction of 2021. **A motion was made by Mr. Stiller. To amend the 2021 budget by \$37,000 from the reserve fund to the general fund to fund the 2021 road project. Mr. Radcliffe seconds the motion, the motion passed with Mr. Mihalko opposed.** Mr. Cuteri also noted that he did not think this was a good idea to transfer funds from the Reserve back into the General Fund as we are trying to build that account up. Mr. Dawley would like the \$37,000 to be put back into the reserve for 2022 and council was in agreement. **A motion was made by Mr. Radcliffe to accept the bid from Liberoni as the lowest bid for the road project. Mrs. Neunder seconds the motion. The motion passed with Mr. Mihalko opposed.**

- 6. Public Comment:** There was no public comment
- 7. Review and approval of 2020 annual report:** Many council members needed more time to review the document before it could be approved. Will table this for April.
- 8. Appoint new Zoning Hearing Board members for new terms:**
  - a. David Raves 2021-2024
  - b. Michael Rovitto 2021-2023
  - c. Clayton Morris 2021-2022

**A motion was made by Mr. Radcliffe to approve the Zoning Hearing Board members with their new terms. Mr. Stiller seconds the motion. The motion passed unanimously.**

- 9. Zoning applications:** For the month of February there was one submission: 17 Oxford for a deck.
- 10. Verizon agreement:** Ms. DiNuzzo informed council that she spoke with Verizon's solicitor Brendon Picket, who will be sending the new agreement over within the next week. He stated the agreement is very standard. Ms. DiNuzzo also noted she will pass the agreement along to Mr. Vogel as soon as she receives it.
- 11. Parks and Rec:** Mr. Radcliffe made a note while walking around the neighborhood that many properties do not have as many leaves as previous years. He suggested that we do not have the Spring pick up to save some money, and put it back into the fall rotation. Council decided they would like to keep the spring leaf pick up for the 2<sup>nd</sup> week of April.
- 12. Executive session:** There will be no executive session this evening.

Meeting ended at 8:45 pm

The next scheduled meeting is April 13th, 2020 at 7:00 pm at Shannopin Country Club.

Jessica DiNuzzo, Secretary



# MEMO

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TO: Ben Avon Heights Borough                      DATE: March 2, 2021  
FROM: Kevin A. Brett, P.E.                      S. O. No.: 0452-01  
John R. Heyl, P.E., CPESC                      cc:  
SUBJECT: **March 9, 2021 Meeting  
Engineering Report**

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

**1. Administrative Consent Order (ACO):**

*On June 16, 2020 the Borough submitted a Sewer Cap Extensions request that included 15 additional taps within Ben Avon Heights Borough. PaDEP approved the Interim CAP extension until December 31, 2020. A draft letter was provided that requests extension of the interim Corrective Action Plan (CAP) and Tap Allocation Plan (TAP) until June 30, 2021.*

*A Phase II COA is anticipated to be released in next two weeks, which would likely include a requirement for a 10% reduction in flows incorporated into Order. **LSSE to present current information regarding the Phase II COA at the March 2021 meeting. Awaiting release sometime in March.***

*Borough Council approved the update to the Operations and Maintenance Plan at the May 2020 meeting. 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 has reviewed the videos and has prepared a summary results figure that also includes results from the MPHS task. A repair scope for the Year 1 area including an Opinion of Probable Cost has been drafted and is currently under review. **LSSE transmitted the summary of the CCTV and Cleaning to the Borough on February 19, 2021.***

*This project may be eligible for partial reimbursement through the ALCOSAN GROW Grant Program, and would also likely satisfy the requirements of the anticipated Phase II COA.*

**2. MS4 Permit:**

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

3. **2021 Roadway Improvement Program**

*Surveys have been completed. Utility notices have been issued. Bids are to be opened on March 5, 2021. LSSE to provide Borough with a Bid Report.*