



**Borough of Ben Avon Heights**

**Tuesday, May 11<sup>th</sup>, 2021 - Council Meeting Minutes**

A quorum is in attendance

**Present:**

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

Mayor:

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 April 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 March financials: A motion was made by Mr. Radcliffe to approve the March financials. Mr. Mihalko seconds the motion.** Mr. Stiller had a question on the real estate taxes as it seems as if we're all accrued and they're not due until 6/30. Mrs. Neunder noted there is a discount for paying early. Mr. Stiller was hoping we could make this more realistic. Mr. Cuteri noted that this a budgeted line item is money that comes into the borough even though most of it comes at one time. For Budgeting everything is budgeted month to month because that is how spending happens. There's also a difference between accrued budget and a cash budget. If we moved to a cash budget there would be a lot more book keeping and more room for error. **The motion passed unanimously.**
- 3. Police Report:** Chief Hanny reported for the month of April there were a total of 97 calls: 6 traffic citations, 82 routine patrols, a resident fire alarm, a false fire alarm, 3 medical assists; a relatively quiet month. Mrs. Neunder asked Chief Hanny is we were allowed to put one of those A frame crossing guard signs in the middle of the double yellow lines near the cross walks, like you see in front of schools and other busy intersections. Chief Hanny responded that sure, as long as the crossing guards puts this on the road and then removes it at the end of the pick-up. Mrs. Neunder added that she meant more of a permanent solution. Chief Hanny stated that a temporary one is fine, but a permanent one while unmonitored could become dangerous. Mr. Cuteri added that New Brighton and Perrysville are state roads and the Borough cannot do anything to these roads.
- 4. Fire Report:** Chief Berie apologized for missing our last meeting. He noted for the month of April there was a resident alarm. For the month of March, he noted the accident in the park with the young girl who swerved to miss a rabbit and ended up in the park.
- 5. Engineers Report:**
  - a. Administrative Consent Order (ACO):**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. Awaiting release of Phase II COA from Health Department and DEP. 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 to be completed over three years as noted in letter dated August 13, 2020. A repair scope for the Year 1 area including an Opinion of Probable Cost has been drafted. LSSE transmitted the summary of the CCTV and Cleaning to the

Borough on February 19, 2021. LSSE has contacted Robinson Pipe to schedule the Year II CCTV work. Work tentatively planned to begin May 17, 2021.

- b. **MS4 Permit:** PaDEP issued MS4 Waiver Approval letter on April 24, 2018. Next permit cycle is September 2023. Waiver will be submitted in early 2023.
- c. **2021 Roadway Improvement Program:** Pre-construction meeting held on April 23, 2021. Roadwork will begin May 24<sup>th</sup> as the start date had to be pushed back due to weather. Mr. Mihalko questioned where they would be staging for this project. Mr. Radcliffe noted that the largest foot print in the community of asphalt is at the intersection of Cambridge and Briar Cliff. LSSE also noted that they will send notification to the residents prior to the work taking place.
- d. **2021 CCTV Status Report:** LSSE reported that CCTV work will begin this week.
- e. **Shannopin Developers Agreement:** LSSE reviewed the requested report and had a few outstanding items with the report. The first item was that the report was not sealed by a licensed professional and the other item was that they need to get the storm water agreement signed once they complete the construction. Mr. Cuteri requested Ms. DiNuzzo reach out to Shannopin to verify that the items LSSE put in their report are being taken care of before we can move forward on the Developers agreement. LSSE also noted that any drawings pertaining to this project should also be included in the Developers agreement. LSSE also noted that there is a Storm water maintenance fee that will need to be worked out. Mr. Cuteri questioned if this should be done annually. LSSE responded that it should be inspected yearly. Mr. Vogel also noted that the Storm water agreement should be part of the developer's agreement. Mr. Cuteri also questioned if this gas line extension would impact the developer's agreement. LSSE did not believe this would impact the agreement.
  - i. **Gas Line Extension:** LSSE reached out to the company doing the gas extension and walked them through as their map did not accurately depict the property and right of ways. What they're doing is extending the line at the top of the hill, to provide additional services to the fitness center.
  - ii. **Council Discussion and Debate:**
- f. **New Sewer Tap: Berardi:** Mr. Cuteri noted that the Berardi residence is demoing their current garage and building a new one and would like to tap into the sewer line. Mr. Cuteri questioned if this was a deep line, LSSE stated it was about 10 feet deep. LSSE did not believe there was any reason why they could not tap in there. LSSE also reminded council that they do not have any tap fees in place. Council requests the following information from the Berardi household:
  - 1. **Who is installing the sewer/tap**
  - 2. **Copy of insurance certificate**
  - 3. **Final inspection from Allegheny county**
  - 4. **Pictures of install before they backfill the tap.**
- g. **Sewer Letter from Ben Avon:** LSSE noted that there are two interceptor that run down the hill: one interceptor is Bellevue/Ben Avon which then flows down to ALCOSAN; the other interceptor flows down from Ross, then Avalon down to ALCOSAN. LSSE worked with Avalon with dye testing as there were some confusions on the map; they did find some errors as the sewers crisscrossed in a few places. The letter Ben Avon sent to Ben Avon Heights indicated Avalon will be involved but after these findings, they will not. LSSE believes Ben Avon will propose a plan of action, but they nor the Borough of Ben Avon Heights have received this as of yet. Mr. Cuteri stated that in the letter they mentioned a house count to pay for the repair work – not to get it ready for transfer. LSSE advised that before agreeing to anything, to confirm what sewers the Borough is paying for; anything above the connection point the Borough should not be responsible for. Mr. Cuteri requested that LSSE provide council with a map of the sewers to show council what the Borough should be responsible for as that would be conducive moving forward. Mr. Mihalko noted that the letter accounted for all homes in Ben Avon Heights, which all homes do not flow through one line, stated earlier in the meeting. Mr. Stiller noticed we pay Ben Avon \$1,000 yearly, is this part of that payment. Mr. Cuteri responded that this agreement with Ben Avon was created over 50 years ago, it's to pay for transporting our waste through their lines, but this letter we're discussing is referring to Allegheny county taking over the certain sized sewer lines throughout the district. Before you can transfer the line, they must be repaired or upgraded.

**6. Public Comment:** There was no public present

- 7. Resolution 2021-02 National Incident Management System: Mrs. Neunder made a motion to adopt Resolution 2021-02. Mr. Stiller seconds the motion.** Mr. Mihalko just raised the question that if we needed to implement this plan, would any of our decision making then be put on hold? Both Mr. Cuteri and Vogel did not see that as a possibility. **Motion passed unanimously.**
- 8. Street signage:** Mr. Stiller presented to council that the quote they received for 12 signs was \$1,715.12, there may be a slight adjustment as they are waiting on a price for square sign posts. Mr. Radcliffe noted they're looking at two other options, a galvanized U shape post or the square. **A motion was made by Mr. Dawley to authorize the installation of 12 signs. Mr. Stiller seconds the motion. The motion passed unanimously.**
- 9. Greenspaces:** Mr. Radcliffe updated council with the items that are happening at the park; two trees were planted at the end of April, the metal equipment in the park will be repainted, annual tennis court maintenance, the basketball court will be sealed in September after the kids go back to school. He is also looking into some fence quotes for repairs as well as extending it down and slightly up Lynton to protect the kids who play around and under the tree on the corner. The ADA compliant swing has been ordered and should be in within 4-6 weeks. Mr. Cuteri noted for Mrs. Neunder who was unable to attend our last meeting, that council decided to remove the basketball backboard near the trash cans as well as fence which would free up space for another play area. Mr. Cuteri Volunteered Mrs. Neunder and wanted to know if she would take this project as she was passionate about this and would be best to spearhead the project. Mrs. Neunder is excited to take on this project. Mr. Cuteri also added that the community was very involved in the last playground upgrades and installation and that she needs to include the community, especially users. Mrs. Neunder asked if we had a budget for this project, Mr. Cuteri stated that she should present a budget for this project and we can incorporate into next year's budget.
- 10. Final Draft of the Zoning Ordinance:** Mr. Cuteri noted that he has already sent a draft to the zoning officer to review. The two previous planning commission members agreed to reup their term. Mr. Vogel noted that the planning commission holds a public meeting with notice and discussion on the ordinance and any changes happen. Assuming there are no changes, the ordinance with revised map gets sent down to the planning agency for 45 days before the required hearing. Mr. Vogel suggests not scheduling the hearing until the Borough receives the changes from the county; if the Borough adapts these changes, the process starts again. He also added that some items that are overlooked, the Borough must mail notice to anyone effected by the zoning map change, Mr. Cuteri stated he believes it's just Shannopin and possible two parcels on Perrysville. And then if anyone in the Borough has directly reached out asking to be notified of the changes. Ms. DiNuzzo noted that no one has. The final step before the final public hearing would be post notices, along with the AD in the Citizen and then an adoption at the public hearing.
- 11. Verizon Agreement:** Mr. Vogel had no updates to provide council on this agreement.
- 12. Sidewalk ADA compliance on Oxford:** Mr. Stiller presented to council the idea of adding a ramp to the small sidewalk on Oxford for the kids who wait at the stop as there is one currently who is in a wheel chair and needs assistance to get up on the sidewalk for the bus every morning. LSSE noted that you would need to put a ramp on both ends and then you would need to create another crosswalk – it would get very confusing. You would also need a 5-foot radius to be able to turn around and the sidewalk would not be wide enough. After much discussion Mr. Cuteri suggested removing the sidewalk all together and putting plastic traffic control posts around the area to direct traffic and there by create flat area for every9ong. Council decided to remove the sidewalk with the road improvement 2021 project.
- 13. Abandoned car in Zoning Ordinance issue:** Mr. Radcliffe noted that Mr. Cuteri would like to separate the current zoning ordinance under storage and put it into an ordinance on its own, therefore allowing the police to handle these types of issues. Mr. Cuteri would like council to make a list of items they would like to see in in this ordinance that would be created by Mr. Vogel's office.
- 14. Executive session:** There was no executive session this meeting.

Meeting ended at 8:05 pm

The next scheduled meeting is June 8<sup>th</sup>, 2021 at 7:00 pm at Shannopin Country Club

Jessica DiNuzzo, Secretary