



Borough of Ben Avon Heights

Tuesday, December 13, 2022 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Chief Hanny

Fire: Interim Chief Ensminger

Mayor: Dismukes

Solicitor: David Mongillo

Secretary: DiNuzzo

Residents: Lyndsey Pry, Betsey Radcliffe, Janae Smith, Susan Schneider, Al Cuteri

- 1. Call to Order:** Mr. Brown began the meeting at 7 PM.
- 2. Roll Call:** There was a roll call of Council Members. A quorum is present.
- 3. Approval of November 2022 meeting minutes:** *A motion was made to approve the November 2022 meeting minutes by Mr. Radcliffe. Mr. Stiller seconds the motion. The motion passed unanimously.*
- 4. Approval of November 2022 financials:** *A motion was made by Mr. Stiller to approve the November 2022 meeting minutes. Mr. Lope seconds the motion.* Mr. Brown noted that we are tracking well. We have 51,000 left to collect, according to our budget. We still have a few transfers to make but we are still looking very good. On the expense side there were a few items that we've noted in the past; the zoning officer was high as well as high one calls due to the Shannopin projects. Other than that, we are very good on our expenses, we are around 92,000 less on our expenses from last year. *The motion passed unanimously.*
- 5. Public Comment:** Lyndsey Pry at 19 Oxford Road came to support the enforcement of the parking ordinance that was recently sent out to the Borough, it's become really congested and hard to get in and out of her driveway.

Janae Smith at 22 Banbury Lane came to Council to express her concerns on the setback rules changing from 15% of the length of the lot, to new accessory builds or garages can be 7 and a half feet back from the property line; that does increase if the build gets larger. She's in support of residents putting garages on their property if they want to, these new setbacks really infringe on the neighboring properties line and privacy. She also noted that the language that has been removed "that no part of an accessory garage should be occupied as a residential living area." Her concern is that these need to be safe spaces, and they have some sort of guidance around fire codes.

Betsey Radcliffe at 14 Wilson Drive would like a reference table or an easy-to-read grid included in the new proposed Zoning Ordinance. She feels there have been accessory units that have gone up that aren't up to code. Mr. Brown noted this is a long process, we're not near the end for this, and appreciates her comment.

Suzanne Schnider at 7 Biddeford Road came to advocate for the 15% depth rear setback, and the 10-yard side setback, because that's how it is currently. She's advocating for this because if a resident wants

to build and whatever they want to build doesn't conform, they can apply for a variance and have a zoning hearing for that. That hearing allows the Borough and residents to go to the meeting and discuss their concerns about the project in question, because it's going to affect the neighbor's property. Currently, this is the only way to protect your property. With the new setbacks, neighbors will not be able to protest. She's also concerned about these larger garages turning into a residential living space.

Al Cuteri at 22 Oxford Road wanted to clarify. If it is the primary structure, it's allowed to have a residence. If it's an accessory structure, it's not allowed to have a residence. He added that these are in the definitions for a single-family dwelling. Mrs. Neunder asked if he would be willing to create some tables as the residents here tonight suggested there be some. Mr. Cuteri noted there has to be a need for them. The ordinance is written as is to set guidelines for what is permitted. We are primarily single family residential. No one can put a second residence on their property. People who already have a residence above their garage on their property is a legal non-confirming use and they can continue to use that. Mr. Brown thanked the public for their comments.

6. Fire Report: No fire report for the month of November.

- a. **Santa in the park:** Council discussed and would like to see Santa in the park return. Ms. DiNuzzo will reach out to the Community Club to confirm the residents who volunteer for this event are ready and will send out communication to the community shortly.

7. Police Report: *Police report provided below for the month of November.* Chief Hanny would like to remind the community to lock your cars, especially this time of year. Two were recently stolen in neighboring Boroughs.

- a. **Parking:** Mr. Brown noted that we had recently sent out an email to the community reminding them of our current parking ordinance. Mr. Brown asked if any of the officers on patrol had noticed any violators. Chief Hanny noted that he was unaware if any had. They are aware of the ordinance and will start pushing warnings out. Mr. Brown requested an update at next meeting. Mrs. Neunder noted that there is a property that was left off of the email that does not have parking. She would like to put this on the January agenda for discussion. Mr. Brown noted, if this specific property is not included in the ordinance, then a new ordinance would have to be written to address this. Mr. Stiller added it would be helpful if we knew the vehicles so we could make note for the officers on patrol.

8. Engineers report: *See below for LSSE report.*

- a. **Resolution 2022-07: PA Small Water & Sewer Program:** *A motion was made by Mr. Stiller to approve Resolution 2022-07: Pa Small Water & Sewer Program. Mrs. Neunder seconds the motion. The motion passed unanimously.* Mr. Heyl noted this grant is for assisting communities in updating their sewer systems and water infrastructures. Part of this application for the grant is creating a resolution.
- b. **Sewers and System Cleaning:** Mr. Heyl noted they are working on a solution to resolve the issue with the one problematic area where they cannot get it fully clean. Mr. Dawley wanted to also inform the public that we also had applied for a different grant to assist us in widening the sidewalks on Canterbury.

9. Greenspace:

- a. **Playground update:** Mrs. Neunder noted that the mulch project with A&N is complete. The playground is now up to code with the amount of mulch that should be on playgrounds.
- b. **Leaf collection update:** Mrs. Neunder noted that this week A&N will be completing the last leaf pick up for 2022.

10. Waste Management & Recycling update: Mr. Brown noted that we did sign the agreement with Valley Waste, as they were our sole bidder. Council did reach out to ask why it had increased so much and they explained that it was due to labor cost going up, fuel costs, dumping fees and maintenance fees. Mr. Brown would like to look into possibly joining a COG in the future, and to work on getting more bids for 2025. Mr. Stiller added there is a penalty schedule included in this one as well as glass recycling for 2023. He added that they would like to invite Valley Waste to explain what they will do with their upcycling.

11. 2023 Levy Resolution 2022-08: *Mr. Stiller makes a motion to adopt 2023 Levy Resolution 2022-08. Mr. Mihalko seconds the motion. Motion passed unanimously.*

- 12. 2023 Budget Resolution 2022-09:** *Mr. Lope made a motion to adopt the 2023 Budget Resolution 2022-09. Mr. Stiller seconds the motion. Motion passed unanimously.*
- 13. Planning Commission Presentation to Council:** Mr. Cuteri noted that the final version was submitted to Council on December 2nd, 2022. Mr. Mongillo noted that the next step would be to submit it to the county, which will take 45 days. Then after that, the Borough will have a public hearing where all can discuss this. A motion was made by Mr. Lope to send the drafted zoning ordinance down to the county for their review. Mr. Mihalko seconds the motion. The motion passed unanimously.
- 14. Noise Ordinance Recommendation:** Mr. Dawley noted that Chief Hanny informed Council that they do not own a machine that measures noise. He strongly urges Council to use a time frame of when you can and cannot have loud noises such as construction, garbage pick-up etc. Mr. Mihalko noted that there are already time frames set in place in the current one.
- 15. Zoning Applications:** Ms. DiNuzzo reported for the month of November, there were no applications submitted.
- 16. Holiday Luncheon:** Ms. DiNuzzo reminded Council members the luncheon is December 16th 2022.
- 17. 2023 Meeting Schedule:** Ms. DiNuzzo noted that Council has met the second Tuesday of each month.
- 18. Welcome packet/committee:** Mr. Stiller noted that past meeting we discussed beginning the welcome packet to our new residents again. Mr. Stiller and Ms. DiNuzzo discussed a way to send these items to new residents electronically. Mr. Stiller would like to create a welcome committee to fine tune the welcome packet and continue the upkeep. Anyone interested in the history of the Borough should join the committee.
- 19. Executive session began at:** 8:07pm
- 20. Regular meeting began at:** 8:19pm
- 21. Meeting adjourned at:** 8:20pm

Jessica DiNuzzo, Secretary

December 06, 2022

Calls for Service - by UCR Code
 Incidents Reported Between 11/01/2022 and 11/30/2022
 BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
0501	ALARM - RESIDENCE	1			
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	1			
6310	TRAFFIC POST	2			
7010	POLICE NOTIFICATIONS/ INFO	1			
7092	ROUTINE PATROL COMPLETED	75			
Total Calls		80			

MEMO



846 Fourth Avenue, Coraopolis, PA 15108
 (412) 264-4400 • (412) 264-1200 Fax

TO: Ben Avon Heights Borough

FROM: Kevin A. Brett, P.E.
 John R. Heyl, P.E., CPESC

**SUBJECT: December 13, 2022 Meeting
Engineering Report**

DATE: December 6, 2022

S. O. No.: 0452-01

cc:

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

1. Phase II Consent Order and Agreement (COA):

The Phase II COA was released by ACHD on September 1, 2021. The BDD report was submitted to ACHD on May 26, 2022 including initial Exhibit B review, population of the BDD template provided by 3RWW, O&M updates, Lateral Ordinance review, and flow regime translation of contemporary data. The Phase II COA Annual Progress Report was submitted to ACHD on June 27, 2022.

2. Sanitary Sewer Operations and Maintenance (O&M):

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. A repair scope for Years 1 and 2 of the O&M Program has been submitted to the Borough for review. LSSE transmitted an updated Sanitary Sewer O&M Budget on January 17, 2022.

- 3.** *2022 O&M CCTV and MHPS were completed July 25, 2022. LSSE has reviewed the CCTV videos and invoice in the amount of \$8,426.28 provided by Robinson Pipe Cleaning Co. LSSE submitted a letter recommending payment, and has initiated evaluation of the defects for a future repair scope. **Repair scope has been drafted and project to be submitted for a PA Small Water Grant – see item 7 below.***

4. Chapter 94 Wasteload Management Report:

LSSE submitted the Annual Report on February 25, 2022.

5. **MS4 Permit:**

PaDEP issued MS4 Waiver Approval letter on April 24, 2018. LSSE submitted Waiver Renewal to PADEP. MS4 Waiver was approved.

6. **LSA Grant**

LSSE submitted grant application.

7. **PA Small Water Grant**

*LSSE preparing an application and resolution for the Borough's execution for completion of O&M Improvements, Years 1, 2 and 3. **Resolution is on agenda for this evening.***

8. **MTF Grant**

LSSE submitted application for Canterbury Road Pedestrian Improvements.

9. **2018 Roadway Improvement Program**

*LSSE transmitted Maintenance Bond items to Contractor to address on February 25, 2022. **Contractor to address area that was missed.***