



Borough of Ben Avon Heights

Tuesday, September 13th, 2022 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Chief Hanny

Fire:

Mayor: Dismukes

Solicitor: David Mongillo

Secretary: DiNuzzo

Residents: Jen Fary 11 Oxford Road, Jen Liska 19 Banbury Lane, Carrie Nedwidek 5 Banbury Lane, Tom Kokoski 10 Stratford Road, Adam Miller 9 Penhurst Road, Lee Hebert 9 Briar Cliff Road

- 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 August 2022 meeting minutes:** *A motion was made to approve the July 2022 meeting minutes by Mr. Radcliffe. Mr. Lope seconds the motion. Motion passed unanimously.*
- 4. Approval of August 2022 financials:** *A motion was made by Mr. Radcliffe to approve the June 2022 financials. Mr. Lope seconds the motion.* Mr. Brown noted there were a few areas that he had questions on, he believes they were just entered in the wrong area, he will reach out to the accountant after the meeting to discuss and clarify. He also will touch base with the tax collector, as we seem to be short on the amount, compared to last year. *The motion passed unanimously.*
- 5. Public Comment:** Jen Fary at 11 Oxford Road came to offer her thoughts on the Green Space ordinance. Ms. Fary feels that a 9 am start time is too late in the day due to the school buses and should consider an earlier time. She also raised some concerns over the alcohol section, but understands we want to ensure safety, but does not agree with a permit process.

Jennie Liska at 19 Banbury Lane agrees with the points Ms. Fary mentioned. She would also recommend that as we proceed with the greenspace ordinance, that we consider park times that are conducive for families. she added, some families during the pandemic really appreciated being able to go to the park when it was dark with headlamps on. She also stated that she doesn't feel that parking on Lynton is well known as the designated parking; suggested mentioning to park where the Borough allows instead. also suggested to revisit the permit process as it is not clearly written.

In addition, she wanted to bring to Council's attention to the sewers on Banbury; they're always backed up. Mr. Mihalko added that he knows which catch basins Ms. Liska is referring to and they do fill up

with silt. Mr. Stiller acknowledged the issue and Council is in the process of implementing an annual catch basin cleaning schedule. Currently Avalon just cleans the top off of the catch basins.

Carrie Nedwidek at 5 Banbury Lane was primarily present out of curiosity of the greenspace ordinance, also agreed with Jen with the times being a little restrictive.

Tom Kokoski at 10 Stratford Road came out to voice his concern over the new parking signs that were proposed in front of his house. He felt very singled out and wondered why now for the signs. Mr. Brown informed Mr. Kokoski that it was brought to Council's attention that waste management could not get down Stratford without going up over the curb. Mr. Stiller added that this was discussed at the June meeting, noting there was a pinch point at the intersection of Clovelly and Stratford with the fire chief confirming this issue. Council then decided to look at the parking ordinance to see how far back the signs would need to be placed as Sargent Beck confirmed painting curbs with no signs is hard to enforce and is typically overlooked.

Mr. Brown replied that he appreciates Mr. Kokoski's feedback and will take it under advisement. We need to provide safety to the Community and ensure these vehicles can get through our streets and intersections.

Joseph Day from Alcosan stopped by to just re-introduce himself to Council, and remind Council of the various programs that are out there. Mr. Dismukes asked Mr. Day to provide his contact information to the Borough Secretary.

Adam Miller at 9 Penhurst Road was also present to voice his concern over the park hours that are currently drafted in the ordinance in question. He added most parks in the area seem to be from sunrise to sunset. Mr. Hebert questioned if the Council would put restrictions on other properties owned by the Borough? Mr. Stiller replied, this greenspace ordinance covers all property owned by the Borough.

Lee Hebert at 9 Briar Cliff Road stated that he agreed with what everyone in public comment had presented to Council. He just reminded the Council that we're all neighbors and to work together.

Mr. Brown responded, thank you for your time. Just so you know we don't want to over litigate; we want to keep regulations to a minimum. We're in the process of modernizing ordinances, so that's what we're coming into. So, I appreciate all of the input and we'll take it under advisement, especially park hours, parking we totally get that as well. Great feedback, thank you very much.

6. Fire Report: *There was no fire present for a report*

7. Police Report: *Police report provided below for the month of July.* Chief reminded the Borough that the next two weekends I-79 will be shut down.

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

a. **Streets:**

- i. **Stratford drainage:** Reached out to the resident again, waiting to hear back.
- ii. **Wilson Safety Project:** Mr. Stiller updated Council that the paint has been put down, including crosswalk and stop bars. Not sure if the yellow line was touched up on Wilson. Mr. Radcliffe confirmed that it has not been touched up. Mr. Stiller also noted they were going to touch up the curbs with the yellow paint as well.
- iii. **Courtney Mill paving:** Mr. Brown updated Council that the paving project is owned by 3 different townships. Killbuck and Ben Avon Heights own half of the beginning portion of the road. Killbuck is fixing the really bad area, with compressed dirt and gravel. That road will be closed for 6-8 weeks starting in late Oct/Nov.
- iv. **Intersection safety/signs – no parking:** Mr. Stiller noted that after hearing the input after the June meeting and the Fire Chief stating he had a hard time getting the truck down Stratford. Avalon was not able to put the signs up for a few months, which then raised concerns with the resident, so Mr. Stiller decided to halt this project. Mr. Stiller asked how the Council would like to proceed with this.

b. **Sewers:**

- i. **Storm System Cleaning Quotes:** Waiting to hear back from Tri-State for their schedule.

9. Avonworth Community Park – Annual Update: Kristin Bennett came to Council to present the Avonworth Community Park update. She stated it was extremely difficult during covid, but they made it work. The biggest challenge for the 2022 year was the pool manager gave them a very short notice. She also noted that the pool is over 50 years old, and constantly needs updates. Many of the pavilions need new roofs, and updates that they have a plan for updating. The Wednesday night concert series was very successful this year.

10. Green Spaces Update:

- a. **Update Spotted Lantern Fly Infestation:** Mr. Radcliffe stated he reached out to 9 tree services, and only one response from Davey tree services. The Quote is to cut down 16 trees and a chemical to kill the tree of heaven's root system. They would then come back in the Spring to respray. The quote is for \$8,000.00.
- b. **Dead trees at park:** Mr. Radcliffe reminded Council that a resident whose property borders the park, brought it to our attention that there were some dead trees in the park. He also stated he reached out to 9 companies as well with this project and decided to go with Strunk tree service with a quote of \$1900.50. Mr. Dismukes wanted confirmation that these were Borough trees, Mr. Radcliffe confirmed. Mr. Brown wanted confirmation that these trees were actually dead, Mr. Radcliffe stated the job scopes out a bit from just dead trees, there's one hanging over the backstop, which he feels should be removed. There are also some trees around the park that will be trimmed up. Mr. Brown wanted to confirm there would not be a bigger noise problem with these trees being removed. Mr. Radcliffe does not think this will impact the sound barrier. Mr. Brown also wanted to confirm that this was within the budget. Mr. Radcliffe confirmed. *A motion was made to amend the agenda to add the tree project by Mr. Radcliffe. Mr. Lopes seconds the motion. The motion passed. A motion was made to approve the amended expenditure by Mr. Radcliffe. Mr. Stiller seconds the motion. The motion passed.*
- c. **Mulch contract award:** Mr. Radcliffe informed Council that there were three quotes for the mulch contract, the winning quote was with A&N at \$16,640.00. Mr. Mihalko raised concerns on the quote as he didn't see a quantity amount and worries it's going to be more. Mr. Brown stated the contact says it needs to be 12 inches deep. Mr. Stiller added it actually says on the other page to remove 12 inches and replace with 12 inches. Mr. Mongillo confirmed, we define the specs. Mr. Dawley questioned who would supervise this project. Mr. Radcliffe noted he would be happy to do that. After much discussion, *a motion was made by Mr. Dawley to award A&N for the mulch contract assuming this is not to exceed \$17,300.00. Mr. Lope seconds the motion. The motion passed with Mr. Mihalko opposed.*
- d. **Green Space Ordinance discussion:** Mr. Radcliffe would like to focus on three areas after hearing what the public said. One would be on park hours. Mr. Brown noted that the concern from the public tonight was around school children in the morning. Mr. Radcliffe noted the second area that the public seemed to focus on was parking. Mr. Brown agreed, if you can legally park somewhere other than Lynton, go for it. Mr. Radcliffe stated the third area that the public seemed to focus on was alcohol. Mr. Radcliffe questioned on the way this is drafted, does this prohibit someone from having a casual drink on a Sunday? Mr. Stiller questioned if we completely remove mention of alcohol does that open us up legally if something would happen on the playground? A Council member also added that illegal activities are already illegal.

Mr. Mongillo responded that he did not think the Borough had anything on open containers. He is also unaware of a state law that police could enforce. Mr. Brown noted any park he goes to says no alcohol, specifically he was referring to North Park. He also reminded Council that this is amending ordinance 224, which is the current ordinance in place. Mr. Mongillo added you can still have a permit process if you want for a big event. Mr. Stiller added, let's talk about what we want permitting to look like at the next meeting. Mr. Mongillo recapped what Council wanted: to remove the section on illegal behavior, remove the section on alcohol, remove the section on parking, and change park hours from 6:30 a.m. to dark. Mr. Brown added hours for the tennis courts being from 9 a.m. to dark. This will be revised and presented to Council at the next meeting.

- e. **DCNR grant applications:** The Borough received an email about grants we could apply for. It was brought to Council for discussion on whether or not we would like to apply for these grants and

accept money from the state. Mr. Radcliffe raised the question on if we accept this grant money, will it impact our ability to control what we do with our park and any rights or privileges. Mr. Brown noted the grant specifically notes the money can be used to upgrade park equipment to make it ADA compliant. Mr. Dismukes added we've used state funds for the rest of the park, but I don't think we have for the tennis courts; therefore, we can keep the tennis courts strictly to resident use. Mr. Mongillo and Ms. DiNuzzo will search Borough records for what grants the Borough has accepted in the past.

- 11. Storage:** Mr. Lope noted that our current space is 5x10x10, we could possibly get a smaller space.. Mr. Stiller also noted that we need to figure out document retention. Hopefully this winter we can begin to clean up the storage space.
- 12. 5-year budget planning:** Mr. Stiller is looking for green space entries. Mr. Radcliffe stated that they will wrap up their numbers over the next few days. Mr. Dismukes requested this be in by the end of September.
- 13. October Budget Meeting:** Mr. Stiller would like to propose some dates now. Council will schedule the meeting for October 18th at 7pm.
- 14. Planning Commission update:** Mr. Brown noted there was a lot of feedback from the public. At this point, they are two thirds of the way making the changes from those feedback items. Once they are complete, The Planning Commission will have another public meeting. We will post the updated version and redlines from the prior version on the website when available as well as the upcoming Public Meeting time.
- 15. Noise Ordinance Discussion:** Mr. Stiller noted that the current drafted zoning ordinance has noise in it. After many residents pointed it out and questioned it, it was noted that this should not be in the zoning ordinance, but a separate a new ordinance specifically for noise. Since this has been removed from the drafted zoning ordinance, once that ordinance is passed, there will no longer be an ordinance for noise. Mr. Stiller noted this was just the starting point for this topic, we will discuss at further meetings as there is no rush to create this at this point since it will take many months before the new Zoning Ordinance is passed. Joe Dawley volunteered to lead this effort being ready to recommend to council at the November meeting.
- 16. Updating Ordinance 300/Hedges at Intersections Discussion:** Mr. Stiller would like to table this one for next meeting.
- 17. Zoning Applications:** For the month of August there was 1 submission for a shed at 1 Wilson.
- 18. Ordinance 351 Resolution:** *A motion was made by Mr. Stiller to adopt the Ordinance 351 resolution. Mr. Brown seconds the motion. Motion passed.*
- 19. Insurance: renewal of worker's comp:** No major changes. *A motion was made by Mr. Radcliffe to accept the insurance renewal. Mr. Stiller seconds the motion. The motion passed.*
- 20. Filming at Shannopin:** Mr. Lope updated the Council on the filming at Shannopin. There is an Ethan Cohen film being shot on Tuesday September 20th; there will be two main shots here, one in front and one in the back. The one in the front of Shannopin will be the final shot of the film. They're making this look like 1999 in Florida; therefore, they are bringing in a bunch of palm trees. There's 150 people on the crew and will be parking down at Avonworth park and shuttle up to Shannopin.
- 21. Executive Session:** Began at 9:26pm
- 22. Regular meeting resumed at:** 9:31pm
- 23. Meeting adjourned at: 9:32pm**

Jessica DiNuzzo, Secretary

September 12, 2022

Calls for Service - by UCR Code
Incidents Reported Between 08/01/2022 and 08/31/2022
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
0639	THEFT-UNDER \$50-ALL OTHER	1			
2626	FALSE FIRE ALARM	1			
3820	DISABLED VEHICLE	1			
3840	FIRES (INCLUDING ALARMS-FOUNDED/UNFOUNDED)	1			
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	2			
4027	TREES DOWN	1			
6310	TRAFFIC POST	2			
6614	TRAFFIC RELATED - CARELESS DRIVER	2			
7092	ROUTINE PATROL COMPLETED	79			
CITT	TRAFFIC CITATION	1			
Total Calls		91			

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: **September 13, 2022 Meeting Engineering Report**

DATE: September 8, 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.

Year 3 O&M CCTV is scheduled to begin mid-July 2022. It should be noted that the Year 3 and Year 4 areas were swapped in preparation of a future source flow reduction project as the original Year 4 area had some sections of elevated groundwater infiltration.

2022 O&M CCTV and MHPS were completed July 25, 2022. LSSE has reviewed the invoice from Robinson, but we have not yet received the videos. Upon receipt, LSSE will recommend payment, and then move on to evaluate defects for future repair scope.

3. Chapter 94 Wasteload Management Report:

LSSE submitted the Annual Report on February 25, 2022.

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1 of 2

4. MS4 Permit:

*PaDEP issued MS4 Waiver Approval letter on April 24, 2018. Next permit cycle is September 2023. **LSSE transmitted Waiver Renewal documents on August 30, 2022; the renewal is due September 16, 2022 (Attachment A).***

5. 2021 Roadway Improvement Program

*Project was awarded to A. Liberoni, Inc. in the amount of \$255,408.74 (Base Bid, Add Alternate Nos. 1, 2, 3, 4, 5 and 6) as noted in letter dated March 23, 2021. LSSE transmitted Partial Payment No. 1 in the amount of \$148,399.28 as noted in letter dated September 12, 2021. LSSE transmitted Partial Payment No. 2 in the amount of \$133,970.81 as noted in letter dated January 10, 2022. **LSSE transmitted the final change order and pay request to the Borough on September 8, 2022; pay request amount is \$5,057.17 (Attachment B). The final contract value including adjustments for all in place quantities is \$287,427.26. LSSE issued letter regarding joint sealing material on August 8, 2022 (Attachment C).***

A. LSSE reviewing options to resolve the drainage issue on Biddeford. This includes providing the Borough a cost to install a roof drain hood as requested by the Property Owner for a future drain. LSSE has reached out to the property owner. As of September 1, 2022 we have not received a response.

6. LSA Grant

LSSE transmitted resolution for 2022 Sanitary Sewer Lining Repairs for grant application. LSSE submitted grant application.

7. 2018 Roadway Improvement Program

LSSE transmitted Maintenance Bond items to Contractor to address on February 25, 2022.

8. Storm Sewer Cleaning

*LSSE provided a proposal from Tri-State for Borough signature; executed copy has been returned to contractor. **LSSE requested schedule for work to be completed (Attachment D).***