



**Borough of Ben Avon Heights**

**Tuesday, December 12<sup>th</sup>, - Council Meeting Minutes**

A quorum is in attendance

**Present:**

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

Police: Hanny

Fire:

Mayor: Dismukes

Solicitor: Mongillo

Secretary: DiNuzzo

Residents: John "Jack" Leonard 12 Penhurst Road

**Call to Order:** Mr. Brown started the meeting at 7pm

- 1. Roll Call:** There was a roll call of Council Members. A quorum is present.
- 2. Approval of November 2023 meeting minutes:** *A motion was made by Mr. Stiller to approve the November 2023 meeting minutes. Mr. Mihalko seconds the motion. Mr. Lope noted a typo in number 4. Motion passed.*
- 3. Approval of November 2023 financials:** *A motion was made by Mr. Lope to approve the November 2023 meeting minutes. Mr. Stiller seconds the motion. Mr. Stiller noted a few line areas that he had concerns with, one area was that the Verizon franchise fee was off, Mr. Brown noted that he just had this item fixed in the report. Mr. Stiller also wanted to confirm that A&N separate their leaf invoice from park items, Mrs. Neunder confirms they do, so this is again, an error on the accountant firm. Mr. Brown noted a few more areas he believes they're entering the information in incorrectly. He also noted that there was an expense for December that we did not plan for, to replace the Borough laptop. Motion passed.*
- 4. Public Comment:** John "Jack" Leonard at 12 Penhurst Road came to council to discuss his azaleas on the corner of Penhurst and Lynton. He received notification, like many others in the Borough who needed to cut back their shrubbery to abide by the ordinance. He noted that when the ordinance was passed, Lynton Lane was still a two-way street. He also noted that previously, the property donated part of their property on the corner to the Borough to help the school bus get around the bend of Penhurst and Lynton. He would prefer to be allowed to be exempt from this, but would also work with the Borough, and is working with a landscaper on when would be best to cut them back, and or possibly move them. Council appreciated Mr. Leonard coming to speak and to continue working with the Borough on an end game.
- 5. Emergency Management:**
  - a. Fire Report:** there was no fire personnel present to report.
  - b. Police Report:** (Report below). Chief Hanny noted that he is tight on staff and they are addressing this for next year. Mr. Brown asked Chief if he had any additional suggestions to help with the intersection of New Brighton and Perrysville as many seem to be dangerously blowing through the stop signs. Chief Hanny noted this issue is everywhere, it's not an excuse but he's seeing this aggressive behavior all over. He added anything visual, like a stop line on the ground to help visually show people where to stop.
- 6. Infrastructure and Operations:**
  - a. Engineers report:** (Memo below.) It was noted that in the December meeting, that Council could review the Sewer Operations and Maintenance (O&M) plan that's in place. Council will also add to December's agenda to vote on the LSA sewer project bids.
  - b. LSA Sewer Project Bids:** Mr. Heyl noted the bids came in high this round. He noted that they will bid again, we still have a year to comply with the grant we received. Mr. Stiller would like to see what streets are being bid out in the future. *A motion was made by Mr. Mihalko to reject the LSA Sewer Project Bids. Mrs. Neunder seconds the motion. Motion passed.*

- c. **Opinion of Probable Cost, Courtney Mill paving:** Mr. Brown asked Mr. Heyl to estimate fixing the section of Courtney Mill Road that Ben Avon Heights owns, which is the right half up to the entrance up to the Shannopin Country Club Road. The estimate is to fix the road, where Mr. Brown just wanted to patch it. Mr. Heyl noted the estimate was around 64,000. He believes just to patch, like Mr. Brown requested, would be around 13,000. Mr. Stiller noted that though we have money in the budget for repairs, we need to be cognizant that we are building a reserve for comprehensive repairs around the borough so we need to see where this would fit in a master plan. This was a takeaway for Mr. Heyl to incorporate into the master road plan.
  - d. **L SSE 2024 retainer:** Mr. Brown confirmed rates will stay the same. *A motion was made by Mr. Stiller to accept LSSEs 2024 retainer rates. Mr. Mihalko seconds the motion. Motion passed.*
- 7. Green Spaces Update:** Mrs. Neunder noted that A&N completed their final leaf pick up this week for 2023. Mr. Brown would like Mrs. Neunder to start to plan the 2024 Green Space master plan, as Mr. Radcliffe will no longer be on Council and start to look at third-parties we may consult with to develop this.
  - a. **Santa in the Park:** Council would like to have Santa in the park this year from 5-6pm. Ms. DiNuzzo will reach out to the Community club as well as Avalon to coordinate this event.
- 8. Building, Zoning and Code Enforcement:**
  - a. **Ratify new date for Zoning Ordinance Public Hearing:** Mr. Brown noted that the original date council voted on did not work for our solicitor. *A motion was made by Mr. Lope to move the Zoning Ordinance Public hearing to February 1, 2024. Mrs. Neunder seconds the motion. Motion passed.* Ms. DiNuzzo will advertise appropriately with the Pittsburgh Post Gazette.
  - b. **Zoning Ordinance update:** Nothing other than aligning on the date, mentioned above.
  - c. **Review BIU contract:** Mr. Dismukes noted that the renter's agreement with our edits should be returned to him this week. This topic is tabled for January 2024.
  - d. **Zoning applications:** There were none for the month of November.
- 9. Insurance:**
  - a. **Discuss and Evaluate insurance:** Will push the vote for the General Policy to the January 2024 meeting. *A motion was made to accept the workers compensation policy with Encova by Mr. Lope. Mrs. Neunder seconds the motion. Motion passed.* Mr. Brown requests a "cheat sheet" so Council can see the difference between the policies easily for next month.
- 10. 2024 Tax Millage:** *A motion was made by Mr. Stiller to accept the Resolution to set tax millage 2024. Mr. Mihalko seconds the motion. Motion passed.*
- 11. Approve Proposed Budget:** *A motion was made to approve the proposed 2024 budget by Mr. Stiller. Mr. Lope seconds the motion. Motion passed.*
- 12. Administration:**
  - a. **Conflict of Interest Policy:** This topic is tabled for January 2024.
  - b. **Holiday Party:** Ms. DiNuzzo noted that all invitations had been sent out, the event will be 11:30am-2pm at Shannopin Country Club.
  - c. **Election results:** Mr. Stiller noted that the 2-year term seat, were all write-ins and that there is a winner and they will likely accept when notified by the county. The 4-year term seats were all filled, but Mr. Radcliffe decided to not accept for 2024. The County will not provide the details for every write-in as we are such a small Municipality. All who ran, should receive a letter from the County of Elections soon. As for the 4-year seat, this will have to be appointed. During the reorganization meeting in January, this would be the best time for a person to come forward who has interest. Mrs. Neunder noted, although a 4-year seat is up, due to this resident being appointed, this would then become a 2-year seat. Mr. Stiller also added there are other positions within the Borough such as two seats on the Planning Commission. There are also two seats open on the Zoning Hearing Board. All technically do not have to be appointed or filled in January. Mr. Brown would like to send a note out to the Community to see if there are any interest in these seats.
  - d. **2023 Annual Report:** Mr. Stiller noted he will send out an email to please summarize their 2023 committee accomplishments. This will be compiled to aim to be published to the public in February 2024.
  - e. **2024 Meetings:** Ms. DiNuzzo noted the following: January 9<sup>th</sup>, February 13<sup>th</sup>, March 12<sup>th</sup>, April 9<sup>th</sup>, May 14<sup>th</sup>, June 11<sup>th</sup>, July 9<sup>th</sup>, August 13<sup>th</sup>, September 10<sup>th</sup>, October 8<sup>th</sup>, November 12<sup>th</sup>, December 10<sup>th</sup>. Mr. Brown will update the calendar on our website.
- 13. Executive session began:** *This was to discuss administrative and personnel issues. 8:06pm*
- 14. Executive session ended:** 8:12pm
- 15. Meeting adjourned at:** 8:13pm

Jessica DiNuzzo, Secretary

MEMO



LSSE ■ Rabell ■ Senate

848 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 12, 2023 Meeting***

**Engineering Report**

*DATE: December 5, 2023*

*S. O. No.: 0452-01*

*cc:*

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

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

Task for the remainder of the Order include continued O&M and reporting of SSOs.

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

Repair scope for the 2021 and 2022 have been drafted and project has been submitted for a PA Small Water Grant. PA Small Water Grant application has been submitted. 2023 O&M CCTV has been completed.

3. MS4 Permit

MS4 Waiver was approved through 2028.

4. LSA Grant

Borough was awarded \$149,905.00 for the 2023 Sanitary Sewer O&M Repairs project. LSSE provided a scope summary in a memorandum dated May 3, 2023. Bids were opened on November 3, 2023. Roto-Rooter Services Company is the apparent low bidder in the amount of \$318,278.00. **Formal bid report provided to the Borough (Attachment A). Bids to be rejected at December meeting; and project to be re-bid for February 2024 bid opening.**

5. Canterbury Paving

As requested, LSSE reviewed pavement failure on Canterbury Drive. It appears the pothole formed around a gas valve. LSSE reached out to Columbia Gas and they indicated someone would review the situation.

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December 07, 2023

**Calls for Service - by UCR Code**  
Incidents Reported Between 11/01/2023 and 11/30/2023  
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3900	TRAFFIC & PARKING PROBLEMS	1			
6008	TRAFFIC ACCIDENT INVOLVING NONINJURY	1			
7010	POLICE NOTIFICATIONS/ INFO	3			
7090	PUBLIC SERVICES - REPORTS	1			
7092	ROUTINE PATROL COMPLETED	68			
CITW	WARNING	1			
CKWE	WELFARE CHECK	2			
<b>Total Calls</b>		<b>77</b>			

YTD

Traffic Citations 7

Warnings 17

## **6. Canterbury Sidewalk and Curb**

As requested, LSSE prepared Opinion of Probable Costs for Sidewalk and Curb Replacement.

- a. GEDTF Grant submitted for project.
- b. 2023 LSA Grant has been submitted.

### **7. 2024 Road Paving**

*LSSE provided a preliminary estimate of probable construction cost to repave the portion of Courtney Mill Road within the Borough of Ben Avon Heights and to repair the area on Canterbury Road (Attachment B).*