



**Borough of Ben Avon Heights**

**Tuesday, March 14<sup>th</sup> - Council Meeting Minutes**

A quorum is in attendance

**Present:**

Council Members: Dawley, Lope, Neunder, Stiller

Police: Chief Hanny

Fire: Chief Ensminger

Mayor: Dismukes

Solicitor: David Mongillo

Secretary: DiNuzzo

Residents: Damien Liska

**Call to Order:** Mr. Stiller began the meeting at 7 PM.

1. **Roll Call:** There was a roll call of Council Members. A quorum is present.
2. **Approval of February 2023 meeting minutes:** *A motion was made to approve the February 2023 meeting minutes by Mr. Lope. Mrs. Neunder seconds the motion. The motion passed unanimously.*
3. **Approval of February 2023 financials:** *A motion was made by Mr. Dawley to approve the February 2023 meeting minutes. Mrs. Neunder seconds the motion. The motion passed unanimously.*
4. **Public Comment:** Damien Liska at 19 Banbury Lane came to speak on his wife's behalf who also submitted her comments to Council. She also sent her full statement via email for Council to review. Mr Liska read that Ms. Liska wrote that using the Ohio Townships ordinance as a model as it was passed in 1996, a lot has changed since then including the negative repercussions of using jail time for punishment for non payment, she would like that struck from the ordinance. She is also concerned with the fine for violations being more than 600 dollars plus cost. This seems out of line with the fines in the parking ordinance which is 15-50 dollars, or the maximum amount permitted by the state law. She would like the Borough to start a fine structure across the ordinances so the fine matches the severity of the violation. She also would like some clarification on the need to restrict parking on the streets overnight. Curious if that is a safety issue or esthetic concerns. She's willing to accept less esthetic pleasure for less stress.
5. **Fire Report:** For the month of February there were no fires to report in Ben Avon Heights. Chief will reach out to Mr. Brown to gain access to the new Shannopin building.
6. **Police Report:** *Police report provided below for the month of February.* Chief Hanny did provide Mr. Brown with the traffic data.
7. **Engineers report:** *See below for LSSE report.*
  - a. **Cambridge sewer cover upgrade:** Ben Avon contacted the Borough about a broken sewage cover at the bottom of Cambridge. If Ben Avon still has the road open, or has not completed the road work, The Borough would like to replace the sewer cover.
  - b. **Grants update (LSA/ARPA PA Small Water/MTF):** Still waiting for updates on these.

**8. Greenspace:**

- a. **2023 Green Space Survey Results:** Mrs. Neunder noted that there was a good amount of response to the survey sent out last month on what the community would like to see in updates to the park. The top items (in order of total score) were a sun structure, additional trees for natural shade, a walking path, playground equipment for children ages 5-12, additional shrubs along the chain-link fence, playground equipment for 0-5, resurfacing the tennis court, resurfacing the basketball court, traditional gazebo shelter, butterfly or wild flower garden, parking along Lynton Lane, and a community announcement board.
- b. **DCNR grant resolution:** Mr. Heyl noted that everything on Mrs. Neunders survey list would fall under the DCNR grant, so Council would just have to pick out what they would want. He added there are tiers to the grant, anything under 64,000 there is no match, above that it would be a 50/50 match. If the Borough decided to just do the basketball court, that would be under the threshold. He added that DCRN grants are very ADA compliant, so the Borough would need to add an ADA compliant parking space. Mr. Dawley felt Council was rushing this process. Mrs. Neunder reminded him the grant application is due April 5<sup>th</sup> of this year. After much discussion, *a motion was made to by Mr. Lope to approve the DCRN grant resolution match to not exceed 20,00 dollars for an ADA parking space, and to refinish the basketball court. Mrs. Neunder seconds the motion. Motion passed.*

**9. Avonworth Community Park 2023 budget:** Avonworth Community Park members came to overview the 2023 budget to Council. As in previous years, the pool is still an area of the park that desperately needs improvements. Many improvements are needed throughout, pavilions need new roofs and the playground has not been updated in some time. In 2022 they had a 63,000-dollar profit. Mr. Dismukes added he feels it's really time to do capital fundraising for the pool. They also added that Hollow Land Trust is working with the park to connect the 5 Boroughs together through some walking trails. Killbuck is currently working on some grants to obtain a crosswalk with a stop light on Camp Horne. The park is also going to make improvements to that parking lot prior to the light being put in. There was some additional revenue the park was not expecting in 2023, as American Rust is currently filming on location at the park. They were able to bring in around 45,000. They also added that the first summer kick off will be May 21<sup>st</sup>, and will share the details with the Borough in the next following month.

**10. Motion to approve noise ordinance:** *A motion was made by Mrs. Neunder to approve the noise ordinance. Mr. Dawley seconds the motion.* Mr. Lope noted there were a few typos in the ordinance. Mr. Mongillo will fix those. Mr. Stiller questioned the max penalty but council determined this is in line with other ordinances.. *Motion passed.*

**11. Motion to approve parking ordinance:** *A motion was made by Mr. Dawley to approve the parking ordinance; Mr. Lope seconds the motion.* Mr. Dawley questioned what the process is on obtaining street parking permits. Mr. Stiller noted this portion will need to be worked out to be but will have to be done in a way the police can identify the proper vehicles in a way that is both accessible and sustainable for both residents and borough administration. Discussion took place. *Mr. Dawley opposed. Motion passed.*

**12. Planning commission update:** Mr. Stiller noted that the planning commission is still working through the edits. There will be another public meeting in the near future.

**13. Zoning hearing board appointment:** Mr. Stiller noted that there was only one applicant, Clayton Morris. He currently is serving, but wrote to Council expressing his interest in continuing. *A motion was made to appoint Clayton Morris to the Zoning Hearing Board for Three Year Term 2023 thru 2025 by Mrs. Neunder. Mr. Lope seconds. Motion passed.*

**14. Zoning Applications:** Ms. DiNuzzo reported for the month of February there were no applications submitted.

**15. Storage Facility:** Mr. Lope mentioned the storage facility, and if Council was still thinking of looking into other storage units. Mr. Stiller noted that both he and Ms. DiNuzzo have been attending zoom meetings on file retention and the first step the Borough needs is to create a file retention plan.

**16. Meeting adjourned at:** 8:39pm

March 06, 2023

**Calls for Service - by UCR Code**  
Incidents Reported Between 02/01/2023 and 02/28/2023  
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3400	MENTAL HEALTH	1			
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	4			
6008	TRAFFIC ACCIDENT INVOLVING NONINJURY	1			
7092	ROUTINE PATROL COMPLETED	72			
CITT	TRAFFIC CITATION	1			
CITW	WARNING	4			
<b>Total Calls</b>		<b>83</b>			

## *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: **March 14, 2023 Meeting**

**Engineering Report**

DATE: March 7, 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.*

**3. Chapter 94 Wasteload Management Report:**

**LSSE submitted annual report on February 23, 2023 (Attachment A) .**

**4. MS4 Permit:**

*MS4 Waiver was approved through 2028.*

**5. LSA Grant**

*Awaiting award notifications. Next CFA meeting is March 2023.*

**6. MTF Grant**

*Awaiting award notifications.*

**7. 2018 Roadway Improvement Program**

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

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**8. Basketball Court Resurfacing**

**LSSE provided preliminary opinion of probable costs on March 1, 2023  
(Attachment B).**

**9. Canterbury Paving**

**As requested, LSSE reviewed pavement failure on Canterbury Drive. It appears the pothole formed around a gas valve. This road was paved under the 2018 Roadway Improvement Program by Shields Asphalt Paving, Inc. Shields was only contracted to perform a minimal mill and overlay under this Contract in conjunction with Columbia Gas' work in the Borough that year. The scope of work did not include a full pavement reconstruction for this street. The maintenance bond for this contract expired in February of 2022.**

**Being that the failure has occurred around the gas shutoff valve, it could have occurred due to improper compaction of material around the valve when it was installed.**

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**From:** Michelle Ramsey <mramsey@lsse.com>  
**Sent:** Thursday, February 23, 2023 9:25 AM  
**To:** 'wasteload@alcosan.org' <wasteload@alcosan.org>

Cc: benavonheightsborough6@gmail.com; Kevin Brett <kbrett@lsse.com>; John Heyl <john.hey1@lsse.com>; Jacob Bajek <jbajek@lsse.com>; Emily Palmer <epalmer@lsse.com>; Samantha Douds <sdouds@lsse.com>; Tyler Sportelli <tsportelli@lsse.com>  
**Subject:** Ben Avon Heights Borough Chapter 94

Report Ladies and Gentlemen -

Attached, please find the 2022 Annual Wasteload Management Report for Ben Avon Heights Borough. Should you have any questions or require additional information please feel free to call or email.

Thank you,

**Michelle E. Ramsey**  
**Assistant Engineer**  
**VII**



**Michelle E.**  
**Ramsey Assistant**  
**Engineer**

**846 Fourth Avenue**  
**Coraopolis, PA 15108**  
**(412) 264-4400, Ext. 221**  
[www.lsse.com](http://www.lsse.com)

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**ATTACHMENT A**

**BEN AVON HEIGHTS BOROUGH**  
**2022 CHAPTER 94 - ANNUAL REPORT**

<b>Chapter 94 Reference</b>	<b>Response</b>
§94.12(a)(4)	There were no sewer extensions constructed in 2022. This area is fully developed and there are no planned sewer extensions or other developments known at this time.

§94.12(a)(5)	<p>Routine maintenance is completed by Borough personal and in accordance with Phase II Consent Order (COA) requirements.</p> <p>The Ben Avon Heights O&amp;M Plan was originally prepared in 2010 as required by the 2004 Administrative Consent Order with the Allegheny County Health Department (ACHD). Borough Council approved an update to the O&amp;M Plan at the May 2020 council meeting that included a 5-year rotational schedule for Visual Inspection, Cleaning / CCTV and Manhole Physical Surveys throughout the Borough.</p> <p>2022 O&amp;M CCTV and MHPS were completed July 25, 2022. Evaluation of the defects generated a project repair scope. The 2023 Sanitary Sewer O&amp;M Repairs Project proposes approximately 2,470 linear feet of manhole to manhole lining of 8 inch sanitary sewer and approximately 290 linear feet of 10 inch sanitary sewer. The project was submitted for a PA Small Water Grant in December 2022.</p> <p>The Phase II COA was executed on October 28, 2021. Exhibit ‘B’ information has been reviewed as part of the 6-month baseline due diligence period. The Borough has opted to accept Exhibit ‘B’ “as-is” in accordance with paragraph 3a. The Ben Avon Heights sanitary sewer system is characterized as below the “Gold Line Standard” and <u>not</u> tributary to municipal SSO’s.</p>
§94.12(a)(6)	The general condition of the collection system is commensurate with age and constructed largely with vitrified clay pipe. The system is a separate sanitary sewer system.
§94.12(a)(7)	There are no sewage pumping stations in the Borough.
§94.12(a)(8)	There are no known industrial wastes discharged in the Borough facilities.
§94.12(a)(9)	There are no known sewers where the capacity is exceeded. There were no known sanitary sewer overflows in 2022.

March 1, 2023

S. O. No. 0452-02

**VIA EMAIL ONLY**  
**(benavonheightsborough6@gmail.com)**

Ms. Jessica DiNuzzo  
Secretary / Treasurer  
Ben Avon Heights  
Borough 12 Lynton Lane  
Pittsburgh, Pennsylvania 15202

**Subject: Ben Avon Heights Park Basketball Court Resurfacing  
Preliminary Opinion of Probable Costs**

Dear Ms. DiNuzzo:

As requested, transmitted herewith is the Preliminary Opinion of Probable Cost (OPC) for the Ben Avon Heights Park Basketball Court Resurfacing.

Should you have any questions, please contact John R. Heyl, P.E., CPESC directly (Ext. 236).

Sincerely,

Kevin A. Brett, P.E.

John R. Heyl, P.E., CPESC

KAB/JRH:nlk

Attachment

cc/att: Jason Brown, Council President (dryojj@gmail.com)  
John Radcliffe, Council Vice President (j.radcliffe@comcast.net)

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**ATTACHMENT B**



# LSSE

Civil Engineers and Surveyors

HEADQUARTERS IN CORAOPOLIS, PENNSYLVANIA

**MANAGING PRINCIPALS**

Kevin A. Brett, P.E.

Ned Mitrovich, P.E.

Jason E. Stanton, P.E.

*Kevin A. Brett*

*Ned Mitrovich*

**OFFICES IN:** Allegheny, Beaver, Erie and Westmoreland Counties Pennsylvania; Franklin County, Ohio

846 Fourth Avenue  
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150 Pleasant Drive, Suite 204  
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4534 Route 136, Suite 9  
Greensburg, PA 15601  
(724) 837-1057

5980 Wilcox Place, Suite J  
Dublin, OH 43016  
(614) 225-1001



PRELIMINARY OPINION OF PROBABLE  
COST

**BEN AVON BOROUGH, ALLEGHENY COUNTY,  
PENNSYLVANIA BEN AVON HEIGHTS PARK BASKETBALL  
COURT RESURFACING**

Prepared by:  
Lennon, Smith, Souleret Engineering, Inc.  
Dated: February 28, 2023

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ESTIMATED UNIT PRICE	ESTIMATED TOTAL PRICE
<b>Site Preparation</b>					
1	Mobilization	1	LS	\$10,000.00	\$10,000.00
<b>Subtotal</b>					<b>\$10,000.00</b>
<b>Basketball Court</b>					
1	Select Demolition/Grading	1	LS	\$6,000.00	\$6,000.00
2	6" Millings Subbase including Preparation of Subgrade and Installation of Class IV Fabric	800	SY	\$13.00	\$10,400.00
3	1.5" Superpave WMA Wearing Course, 9.5mm, 0 to 0.3 Million Design ESALs PG 64-22, SRL-H	800	SY	\$12.00	\$9,600.00
4	2.5" Superpave WMA Binder Course, 25mm, 0 to 0.3 Million Design ESALs PG 64-22	125	TN	\$95.00	\$11,875.00
5	Acrylic Color Coating System including Linestriping	280	SY	\$25.00	\$7,000.00
6	Basketball Hoop Assembly	1	EA	\$4,000.00	\$4,000.00
7	12' Height Chain Link Fencing	29	LF	\$115.00	\$3,335.00
<b>Subtotal</b>					<b>\$52,210.00</b>
<b>ADA Parking Area and Path</b>					
1	Replace Integral Concrete Sidewalk and Curb	100	SF	\$18.00	\$1,800.00
2	6" Depth Concrete Pavement including Excavation and 4" AASHTO 57 Subbase	260	SF	\$20.00	\$5,200.00
3	5' Wide Concrete Sidewalk	390	SF	\$15.00	\$5,850.00
4	Linestriping for ADA Space	1	LS	\$750.00	\$750.00
5	ADA Sign	1	LS	\$250.00	\$250.00
6	Restoration of Disturbed Areas	1	LS	\$2,000.00	\$2,000.00
7	E&S Controls	1	LS	\$750.00	\$750.00
<b>Subtotal</b>					<b>\$16,600.00</b>
<b>Total</b>					<b>\$78,810.00</b>
<b>10% Contingency</b>					<b>\$7,881.00</b>

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<b>15% Engineering and Legal</b>	<b>\$11,830.00</b>
<b>Project Total</b>	<b>\$98,521.00</b>

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