



**Borough of Ben Avon Heights**

**Tuesday, May 9<sup>th</sup> - Council Meeting Minutes**

A quorum is in attendance

**Present:**

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

Police: Hanny

Fire:

Mayor: Dismukes

Solicitor: John Vogel

Secretary: DiNuzzo

Residents: Maggie Good 45 Wilson, Susann Schneider 7 Biddeford, Betsy Radcliffe 14 Wilson, Janae Smith 22 Banbury, Jennie Liska 10 Banbury, Eugene Hunt 27 Banbury, Margie Hunt 27 Banbury, Scott Dismukes 22 Clovelly Road

**Call to Order:** Mr. Brown started the meeting at 7:02pm

- 1. Roll Call:** There was a roll call of Council Members. A quorum is present.
- 2. Approval of April 2023 meeting minutes:** *A motion was made to approve the April 2023 meeting minutes by Mr. Stiller. Mr. Radcliffe seconds the motion.* Mr. Brown requested that we add the schedule of the next steps with the planning committee and the drafted zoning ordinance as it's a long and lengthy process. *The motion passed.*
- 3. Approval of April 2023 financials:** *A motion was made by Mr. Lope to approve the April 2023 meeting minutes. Mrs. Neunder seconds the motion.* Mr. Brown noted that we did transfer \$100,000 into the general fund from our Reserve account as taxes have not started to come in for the year yet. Once the money does come in this summer, we will transfer back. Mr. Stiller noted that we are already over our Solicitor budget. We've done significant work with ordinances and such, so that's why we've already hit that budget. Mr. Brown also mentioned that we received a check for a class action lawsuit. We had our solicitor look into this to confirm the amount and that the Borough did in fact receive this, and we did get confirmation for this. For now, we will deposit this into the general fund and use the money when we need it. Mr. Vogel noted that there is a part b to this class action lawsuit where the Borough could receive more money, if we did some water testing. Mr. Heyl will need to look more into this. Mr. Dawley does not want to pursue this action. *Motion passed.*
- 4. Fire Report:** *There was no fire present to present.*
- 5. Police Report:** *See below for the police report.* Chief Hanny also wanted to note, there were neighboring Boroughs that had some recent car break-ins. All the cars that were broken into, were unlocked. He wanted to remind residents to lock their cars.
- 6. Public Comment:** Mr. Brown noted that each resident that would like to speak has 5 minutes to speak. Mr. Brown noted this is a long lengthy process, and at the end of this process there will be a public hearing. Some history behind why we are doing this is because we are a community of single-family units and Shannopin Country Club. We joined a Joint Comprehensive Plan with other Boroughs, to protect our community from all types of zoning such as duplexes and commercial buildings.

Maggie Good at 45 Wilson came with a few concerns over the current drafted zoning ordinance. She voiced her concerns with the amount of spelling and grammar issues she found throughout the document and did not feel comfortable with us sending a document with that many errors back to the county. Mr. Vogel noted that if anyone does come across spelling or grammar issues, they could specifically point out the error to Council and Mr. Cuteri so they can fix these. Another issue Ms. Good had was with the proposed setbacks. She feels a 5-foot setback for an accessory is way too low. She believes other neighboring areas are higher. She also feels a 28-foot-high garage is very high. She believes most homes here are not more than 25 feet high. She also feels that Accessory Dwelling Units should not be a livable space. It can be an office, but not a livable space. Al Cuteri, from Planning Commission in attendance, noted that the uses would not be for living purposes and is defined as such in the document.

Susann Schneider at 7 Biddeford wanted a definition for occupied uses. Mr. Cuteri responded that there is residential use, mercantile use, those are uses. Buildings of all types have occupancy because they have people inside them. When we say an occupiable floor, that's a floor in which people can occupy. It doesn't mean they can live there. But they can have an office there, a workout space, that's an occupiable floor. We're not permitting additional dwelling units, only one single family dwelling on each property. Ms. Schneider also would like more uses listed in table 5. Mr. Brown requested specific items. Ms. Schneider listed a swing set, an outdoor fireplace, enclosed gardens, and trampolines. Mr. Cuteri explained accessory uses are for permanent structures, which are not playsets. A pool, or a shed would be permanent.

Betsy Radcliffe at 14 Wilson came with her concerns over the drafted zoning ordinance. She expressed concern over the values of our properties when this new ordinance passes. She was also concerned about setbacks, garage heights, and over the wording over dwelling spaces. She was concerned this will allow residents to use this as a residential dwelling unit. She read a statement urging the Council to not send the ordinance back to the county for review.

Janae Smith at 22 Banbury came with concerns over the current drafted ordinance. Ms. Smith was concerned over the setback rules and she provided the setback from neighboring communities to Council in the past. She felt these setbacks are very drastic. Ms. Smith was also concerned over the 28-foot garage height. Ms. Smith also had some concerns over decks, she questioned if they should be allowed on an accessory dwelling or perhaps some more clarification. She also mentioned that she did point out in December some typos that have not been fixed.

Jennie Liska at 10 Banbury Lane also came with her concerns over the current drafted zoning ordinance. She noted that she does have an accessory dwelling detached garage with space above that does fit into the Borough very nicely and this is a possibility, especially with more people working from home now. She also noted that setbacks are very important. She noted accessory dwellings still seem to be confusing and she's unsure if a finished basement with a kitchen would fall under that. She recently noticed that there is a 25% max lot coverage, which would include impervious structures. She would like this to be looked into to be clearer.

Eugene Hunt at 27 Banbury came with concerns over garage height in the ordinance. He also raised concerns over the list of defined permanent structures allowed in the yard, perhaps this could be a little more defined and clearer. He also didn't understand the issue with flags, he didn't understand why it needed to be a government issued flag. Mr. Brown noted the section about flags only mentioned sizes.

Margie Hunt at 27 Banbury also came with concerns over the current drafted zoning ordinance. She also found the definition of permanent structures confusing and would like more clarification on those.

Scott Dismukes at 22 Clovelly stated that he submitted his concerns for the December meeting that he was not able to attend. His concerns in which he submitted were over the boiler plate solar panel language that's in the ordinance. His question was if he would be able to put solar panels on a pergola, as the way it is currently written he would not be able to, only on his house and his garage. Mr. Cuteri noted that a pergola is an open framed structure.

Mr. Brown thanked the community for coming to voice and share their concerns at this meeting. He would appreciate it if people would re-send their list of typos and such to Council if we have missed them.

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

- a. **LSA grant/O&M sewer update:** Mr. Heyl presented the SOA for the LSA grant sewer project. Mr. Stiller asks about certain roads that were part of the 8 year strategic plan such as Kent and Wilson that weren't part of the scope. Mr. Heyl explained that work on these sewers was not necessary after reviewing recent camerawork.

- 8. Motion to approve Sexual Harassment Policy:** *A motion was made to adopt the sexual harassment policy by Mr. Stiller. Mrs. Neunder seconds the motion. Motion passed.*
- 9. Motion to approve Resolution 2023-02 - Acceptance of LSA Grant Funds:** *A motion was made by Mrs. Neunder to approve Resolution 2023-02. Mr. Lope seconds the motion. The motion passed unanimously.*
- 10. Canterbury Sidewalk Discussion:** Mr. Brown had a few questions on the report Mr. Heyl had. Mr. Brown noted that the Borough did not receive a grant from PennDot in which the Borough would have used the grant money for. He also noted that the Borough does have an ordinance in place #47 which holds the resident accountable in fixing and maintaining the sidewalk that is on their property. He expressed that he would like to form a subcommittee for this project. Mr. Dawley, Mr. Stiller and Mr. Lope all volunteered. Council agreed that an email would be sent out asking any residents to join this subcommittee.
- 11. Green Spaces Update:** Mr. Radcliffe noted A&N lawn is doing well with the maintenance of the park. He noted there is an issue in the tennis court that he keeps trying to get quotes but no one shows up. Mr. Radcliffe believes a resurfacing of the tennis court is going to probably close to \$50,000 as an estimate from past projects. Mr. Brown asked when the greenspace committee would have their master plan, as Council would like it before the budgeting meeting in the fall. This will be helpful for when grants pop up as they seem to have small windows to apply for them.
- 12. Motion to Approve to Send Latest Zoning Ordinance Draft to County:** *A motion was made by Mrs. Neunder to approve sending the latest zoning ordinance draft to the county. Mr. Stiller seconds the motion.* Mr. Brown noted that there are some items that the public brought up that he would like the planning committee to address. Mr. Radcliffe also did not feel comfortable sending the latest revision down to the county. He understood this process has gone on for three years, but would like a meeting to go over these issues and really fix these issues between Council and Planning Commission. Mr. Cuteri disagrees, there have been multiple public meetings to address these issues. Mr. Cuteri added that he'll have a meeting between the Council, Planning Commission and the solicitor. After much discussion, Council and the Planning Commission agreed to meet on June 6<sup>th</sup>. Mr. Brown requested all notes to be sent to him no later than May 29<sup>th</sup>. *Council opposed unanimously; motion does not pass.*
- 13. Storage rate increase:** Mr. Lope noted that our price keeps increasing each month. Mr. Lope noted that he spoke to them and if we move to a 5x5' we can save about 75 dollars a month. Ms. DiNuzzo will look at the 5x5' space to see if the Borough's items can fit with reasonable accessibility and proceed from there.
- 14. North Hills Fireworks Donation:** Council agreed to donate \$250 for this event as they have in the past. *Mr. Radcliffe made a motion to donate \$250 to the North Borough Fireworks. Mr. Stiller seconds the motion. Motion passed.*
- 15. Memorial Day Parade Donation:** Council agrees to Donate \$100 dollars as requested. *A motion was made by Mr. Radcliffe to donate \$100 dollars to the Memorial Day Parade. Mr. Stiller seconds the motion. Motion passed.*
- 16. Zoning Applications:** Ms. DiNuzzo reported for the month of April there were no applications submitted
- 17. Administrative:** Mr. Stiller would like Council to know that he tracks when our contracts are expiring. He noted that Workers Comp Insurance and Public Works are coming up and the appropriate committees should begin reviewing options in June.
- 18. Executive Session:** Began at 8:53pm
- 19. Regular session:** Began at 9:08pm
- 20. Meeting adjourned at:** ended at 9:09pm

Jessica DiNuzzo, Secretary

May 08, 2023

**Calls for Service - by UCR Code**  
Incidents Reported Between 04/01/2023 and 04/30/2023  
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3400	MENTAL HEALTH	2			
3600	DISTURBANCES-DOMESTIC	1			
3820	DISABLED VEHICLE	1			
3840	FIRES (INCLUDING ALARMS-FOUNDED/UNFOUND)	1			
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	1			
6310	TRAFFIC POST	1			
7092	ROUTINE PATROL COMPLETED	73			
CITT	TRAFFIC CITATION	1			
CITW	WARNING	1			
<b>Total Calls</b>		<b>82</b>			



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

***MEMO***

TO: Ben Avon Heights Borough  
FROM: Kevin A. Brett, P.E.  
John R. Heyl, P.E., CPESC

DATE: May 4, 2023  
S. O. No.: 0452-01  
cc:

SUBJECT: **May 9, 2023 Meeting  
Engineering Report**

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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. An SOA for the 2023 Sanitary Sewer O&M Repairs project tasks is provided for review/action at this month's Council meeting. Refer to Attachment A.*

An SOA for the 2023 O&M CCTV/MHPS tasks was provided at the April 2023 Council Meeting.

3. **MS4 Permit:**

*MS4 Waiver was approved through 2028.*

4. **LSA Grant**

Borough was awarded \$149,905 for the 2023 Sanitary Sewer O&M Repairs project. LSSE provided a scope summary in a memorandum dated May 3, 2023. Refer to Attachment B.

5. **2018 Roadway Improvement Program**

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