



**Borough of Ben Avon Heights**

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

A quorum is in attendance

**Present:**

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

Police: Hanny

Fire: Ensminger

Mayor: Dismukes

Solicitor: Mongilio

Secretary: DiNuzzo

Residents: John Radcliffe 14 Wilson Drive

**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 October 2023 meeting minutes:** *A motion was made by Mr. Radcliffe to approve the October 2023 meeting minutes. Mr. Stiller seconds the motion. Motion passed.*
- 3. Approval of October 2023 financials:** *A motion was made by Mr. Stiller to approve the October 2023 meeting minutes. Mr. Lope seconds the motion. Mr. Brown noted we spent more than we received this month, but all of the taxes for the year have come in, as expected. He also added that we are under budget. Motion passed.*
- 4. Public Comment:** John Radcliffe at 14 Wilson Drive announced that he would be stepping down from Council at the end of 2023. He also has decided to not accept his recent election win for 2024. He's choosing to step down to spend more time with family. He will be around to assist with any help in the future.
- 5. Emergency Management:**
  - a. **Fire Report:** Fire Chief reported there was nothing to report as of fire. Mr. Brown asked if they were still having trouble finding volunteers, Chief noted they are trying to lower the age limit to 14 in order to accept younger volunteers. He also noted that the Borough may need to look into merging or some sort of payment for fire employees to draw recruits. Mr. Stiller noted he has talked to our state representatives to let them know there is an issue. Chief also gave Ms. DiNuzzo the contact information for Santa.
  - b. **Police Report:** (Report below). Mr. Brown noted that on Monday the trash truck could not make it down Stratford. He would like police to patrol specifically on Monday mornings to make sure the intersections are clear. Chief Hanny suggested painting curbs even though it may look unsightly and they will do their best to patrol Monday mornings.
- 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 grant resolution for Canterbury:** *A motion was made by Mr. Brown to accept the LSA grant resolution for Canterbury. Mrs. Neunder seconds the motion. Mr. Stiller noted that \$362,200 was scoped out for the same grant we applied for the GETF that was approved earlier this year. This is taking that same scope and applying it to this LSA grant. The question was raised if we would have to widen the sidewalks to be ADA compliant and if so how would this be accomplished. Mr. Heyl did note that all sidewalks must be ADA compliant, he also noted they have not surveyed, so he can't really discuss that yet. However 2 options are to get an easement from the property owner or to take by eminent domain. Mrs. Neunder asked if homeowners would no longer need to maintain these sidewalks if the property is taken by eminent domain. Mr. Heyl noted it would still be the homeowner's responsibility to maintain the sidewalk. Motion passed.*

- c. **Alcosan rate Resolution 2024:** *A motion was made by Mr. Lope to accept the Alcosan rate resolution for 2024. Mr. Dawley seconds the motion. Mr. Brown noted Alcosan has implemented multiple years of rate increases, and this year there is a 7% rate increase. We are keeping our portion the same. Mr. Stiller noted there has been a 7% increase for the past several years, with another 7% scheduled for next year. Motion passed.*
- d. **Avalon Public Works Agreement 2024:** *Mr. Brown noted for the 2023-2024 year, they have kept the same rate. A motion was made by Mr. Stiller to accept the Avalon Public Works Agreement for 2024. Mr. Dawley seconds the motion. Motion passed.*
- e. **Avalon Salt & Snow Agreement 2024:** *Mr. Brown noted that the rate from this year for the 2023-2024 year was not raised. A motion was made by Mr. Lope to accept the Avalon Salt and Snow Agreement. Mrs. Neunder seconds the motion. Motion passed.*

**7. Green Spaces Update:** Mr. Radcliffe noted that the Dicksons have graciously volunteered prior years to decorate the tree and that he will reach out to them to see if they will continue this tradition. He also added that since Avalon Fire stopped selling their Christmas Trees he will have to go out and buy one as he did last year.

**8. Building and Zoning:**

- a. **Planning Commission Update:** Mr. Brown noted Council received the latest response from Allegheny County on the most recent revision draft. Mr. Brown continued that Council did receive two comments: 1) they would like the Borough to change when the clock starts for administrative reviews; 2) they would like a separate stand-alone grading and excavation ordinance. Mr. Brown added that the solicitor would begin working on the Grading Ordinance. Mr. Dawley asked when the County suggests something be stricken, what does it mean. Mr. Brown noted that it either means that we either removed the item, or we did not strike it and the county is ok that we have reviewed it. Mr. Lope asked what the process would be next. Mr. Brown noted that we will schedule a Public Hearing. Mrs. Neunder asked if we wanted to also remove signs from the zoning ordinance similar to removing sound. Mr. Brown responded that ordinances he has reviewed from other Boroughs and Townships had signs in their zoning ordinance, so we should do similarly.
- b. **Zoning Ordinance:** Mr. Brown noted the next step is to have a public hearing of the zoning ordinance. With the holiday season just around the corner, he does not want this in December. He suggests having this in either January or February. *A motion was made to approve the date of January 23<sup>rd</sup> at 7pm at a location to be determined by Mr. Stiller. Mr. Lope seconds the motion. Mr. Radcliffe opposed; motion still passes.*
- c. **Harshman rental agreement:** Mr. Brown noted that last meeting we terminated BIU's rental inspection agreement. *Mr. Stiller made a motion to accept the Harshman rental agreement subject to approval by Harshman after solicitor edits. Mr. Lope seconds the motion.* The solicitor noted that some of the language in the contract was geared more towards engineering and not necessarily rental inspections. He also added that the agreement presented to the Borough had a 7-day termination in their contract and he suggests the standard 30 day. *Motion passed.*
- d. **Zoning applications:** For the month of October there was one application submitted for an attic space refinish at 21 Devon Lane.

**9. Insurance:** Mr. Lope noted that we have a shortened Workers Comp to cover us until the general policy ends in January. This way both policies will expire at the same time. There will be two bids for council to review in December. An agenda item will be added to approve a vendor for Insurance at the December meeting.

**10. 2024 Budget:** Mr. Brown and Mr. Stiller went over the proposed 2024 budget with Council line by line. *A motion was made to advertise the 2024 preliminary budget by Mr. Stiller. Mrs. Neunder seconds the motion. Motion passed.* A resolution to pass this budget will be discussed and voted on at the December 2023 meeting.

**11. Administration:**

- a. **Conflict of Interest Policy:** Our solicitor noted Mr. Dawley referenced the PA Ethics Act several times in the draft, and can easily be applied to employees, but it's more difficult to implement a conflict of interest with elected officials because of the Ethics Act. He does see value in this type of agreement or policy as the Ethics Act is in place. Mr. Brown thought there was value in that the Council, Employees, and Appointed Commission Members would need to sign the policy and acknowledge them. Mr. Brown would like a new draft with the solicitor's and council's comments for December so we can review again. An agenda item will be added to approve the Conflict of Interest Policy at the December meeting.
- b. **Avonworth / ACT fundraiser:** Council deliberated on this request and decided that due to the high amount of requests for fundraising that come in, Council would recommend that the fundraising entity use more direct means to raise funding. *A motion was made not to fund the fundraiser by Mr. Dawley. Mr. Brown seconds the motion. Motion passed.*
- c. **Holiday Party:** Ms. DiNuzzo noted the holiday party will take place at Shannopin Country Club on December 15<sup>th</sup>. Invites will be sent out soon.
- d. **Election results:** Mr. Stiller noted these results are available online. For the 4-year term, Mr. Lope, Mrs. Neunder, Mr. Radcliffe and Mr. Stiller all won. The 2-year term slot were all write-ins, at this time the write-in with the most votes will receive a letter from the office of elections. If they accept, they will then be on Council and appointed in January 2024. Also noted that Zoning Hearing Board and Planning Commission spots will open in '24 and that the community should be notified to seek volunteers.

- 12. Executive session began:** 8:40pm on public safety issues
- 13. Executive session ended:** 8:58pm
- 14. Meeting adjourned at:** 8:59pm

Jessica DiNuzzo, Secretary

November 13, 2023

**Calls for Service - by UCR Code**  
**Incidents Reported Between 10/01/2023 and 10/31/2023**  
**BEN AVON HTS**



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3400	MENTAL HEALTH	1			
7010	POLICE NOTIFICATIONS/ INFO	1			
7092	ROUTINE PATROL COMPLETED	70			
CITW	WARNING	1			
<b>Total Calls</b>		<b>73</b>			



***MEMO***

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

**TO:** Ben Avon Heights Borough                      **DATE:** November 7, 2023

**FROM:** Kevin A. Brett, P.E.                              **S. O. No.:** 0452-01  
 John R. Heyl, P.E., CPESC                                      **cc:**

**SUBJECT:** **November 14, 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.*

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).*

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.*

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. **LSSE preparing a Grant Application for the 2023 LSA Grant. Resolution is on agenda for this evening.**