



Borough of Ben Avon Heights

Tuesday, September 12th, 2023 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Hanny

Fire:

Mayor: Dismukes

Solicitor: Mongilio

Secretary: DiNuzzo

Public Comment: Betsy Radcliffe 14 Wilson Drive, Jennie Liska 19 Banbury Lane, Tom Price Zoning Officer

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 August 2023 meeting minutes:** *A motion was made by Mr. Stiller to approve the August 2023 meeting minutes. Mr. Lope seconds the motion.* Mr. Radcliffe would like Mr. Liska added to the residents list, as he spoke on behalf of Avonworth park. *Motion passed with the added items.*
- 3. Approval of August 2023 financials:** *A motion was made by Mr. Lope to approve the August 2023 financials. Mr. Radcliffe seconds the motion.* Mr. Brown noted borough finances are in good standing for the year. He added that we are almost complete in collecting real estate taxes for 2023, and earned income revenue is higher than last year. On the expense side, we are already over the tax collection, bond fees, and zoning officer. Also highlighted was being over our solicitor budget due to unplanned projects, detailed involvement with the zoning ordinance, and legal costs associated with Right to Know Requests. Typically, the borough gets five requests a year that Ms. DiNuzzo can answer without the assistance of the solicitor, but this year we have received an additional six unplanned requests that required assistance from our solicitor to answer. *Motion passed.*
- 4. Public Comment:** Betsy Radcliffe at 14 Wilson Drive voiced concerns related to a Right to Know Request recently submitted. She noted that in January 2023 Council voted to receive the comment response document from the Planning Commission to Allegheny County review letter. She noted that the Right to Know Request stated this document doesn't exist. She continued that half the items noted in the ACED letter suggested legal review to align with other Borough ordinances, languages, planning code, comprehensive plan, building codes, application case law and similar definitions, and that a motion was also made by Borough Council in the June meeting to receive this information. Mr. Brown responded that a response letter was drafted by the Planning Commission, but it has not been sent to County yet. It wasn't final—only in draft status—and since that letter was drafted, another public meeting took place where the latest round of comments/changes would need to be incorporated. Once those are incorporated, the document will be completed, sent to county along with the latest draft ordinance, and shared with council. Ms. Radcliffe also asked why attendees of the meeting are not being added to the meeting minutes. Mr. Stiller advised that only attendees who speak at the meeting are memorialized in the meeting minutes.

Jennie Liska at 19 Banbury Lane noted that on August 12 the Borough Zoning Office Tom Price inspected her 2-story garage for potential non-compliance with ordinance 261, our current zoning ordinance. She added they were found to be compliant. Continued that what sparked that inspection was her public comment at a previous council meeting. She understands why we are currently working on the zoning ordinance to make the language clearer; she notes the current zoning ordinance is not very clear, especially on accessory structures. She also feels Council should have informed her prior to Mr. Price stopping by her home to inspect the space above her garage. She feels that her speaking up at a Council meeting, she experienced a negative repercussion.

She requests Council come up with a better process on executing a complaint after confirming it's valid with what section is in violation, and also checking to confirm this property isn't grandfathered in, once this new ordinance is passed. Especially when the complaint is brought to Council not by a resident that doesn't live near the property, or it isn't clearly a safety issue. She encourages all to get back to neighborly conversations and to stop weaponizing ordinances and fueling personal projects. She also wanted to add the new parking ordinance, number 354 is overly burdensome and would advocate for an appeal, and the noise ordinance has a clause for imprisonment for nonpayment of a fee and would like that sentence should be struck and that ordinance is 353.

Mr. Brown apologized for what The Liskas experienced and noted that the Borough should have contacted the Liskas first, and agreed that the code process requires attention. Mr. Mihalko questioned who requested the inspection of the property. Mr. Brown responded that he requested it, as a resident had requested council to investigate it. Tom Price the Borough Zoning Officer added that he was present, and was there to answer any questions Council may have. He added that he had four properties to visit that day and he agreed that the process could use improvement.

- 5. Fire Report:** *There was no fire present at the meeting.* A yearly audit for 2022 was provided to council by the fire department.
- 6. Police Report:** Chief Hanny reminded residents to lock their cars and houses as always. Mr. Brown and Mr. Stiller wanted to make sure the road closure on Ben Avon Heights Road was on police radar as the remaining section of a large tree that fell is set to be removed in late September. Mr. Mihalko added he feels the detour signs that are already staged makes it look as if the detour is for Banbury Lane. Mr. Stiller stated he would check to make sure the detour will be on state roads only. Mr. Dawley asked how many parking citations had been written this year and Chief Hanny believed it to be around four citations. Mr. Dawley asked for parking violation info to be included in his monthly reports.
- 7. Engineers report:** *Memo below. A motion was made by Mr. Radcliffe to accept the bid by G. Salandro Excavating, LLC. Mr. Stiller seconds the motion.* Mr. Mihalko asked if this project on this sinkhole was absolutely necessary and Mr. Heyl responded that it was as once they reviewed the line, it had been repaired with numerous materials over the years. *Motion passed. A motion was made to adopt the Resolution for the GEDTF grant for Canterbury Sidewalk and Curb Project. The motion passed.* Mr. Stiller also added on a separate note that Columbia Gas will come and fix the hole on Canterbury at a curb box that has deteriorated since paving. Mr. Stiller also agreed to follow up with PennDot on their Knotweed eradication program as Mr. Radcliffe stated that the shrubs on Ben Avon Heights Road had become hazardous to driving.
- 8. Building Inspector, Harshman:** Council asked Jared D'Amico to present on behalf of Harshman CE Group building inspectors. Mr. D'Amico provided council with materials on their services, and answered questions from council about service levels, scope of work, and provided a list of other nearby municipalities that Harshman works with.
- 9. Green Spaces Update:** Mr. Radcliffe presented a plan for added vegetation around the front perimeter of the park, consulting with Heather O'Brien, a borough resident and landscape architect. Mr. Radcliffe noted that there were some privacy and sound issues that were brought to their attention during subcommittee meetings they had and wanted assistance to buffer sound from the road. Mr. Radcliffe provided council with a quote from A&N for \$6,803.97 to complete the work. Mr. Brown asked if a master plan that had been asked for prior was included with this project. Mr. Radcliffe said that the master plan was not ready but noted this project would fit within the 2023 budget. Ms. O'Brien explained the project and noted that she wanted to be consistent with what is already in the park and wanted to help screen or buffer the noise from the street. She suggested items that would be easy to maintain to add some hedge row that requires little maintenance such as burning bushes and flowering trees which there are none currently at the park. Mr. Mihalko was concerned of how close the new vegetation would be to the fence. Ms. O'Brien noted that these will be 2 feet off of the fence and could be easily maintained by our current landscaper. Mr. Stiller asked how the project ties into the overall shade at the park, as it was the number one ask of residents according to the recent resident park survey. Ms. O'Brien noted more trees like dogwood and another maple will help with shade, and the canopies will eventually touch and help with the shading issue. Mr. Brown asked about extra

maintenance cost. Ms. O'Brien believes A&N would perhaps spend an extra hour of manpower with these additional trees and plants for maintenance. Mr. Radcliffe added that fall is the best time of year to put in plants and feels strongly on moving forward with this next month. Mr. Brown noted that a walking path was an item that was highly requested by the residents, and was concerned that without a master plan, we may need to rip up later what was planted. Ms. O'Brien did not feel these would be in the way of a walking path. Mr. Radcliffe added the walking path was supposed to be around the ballpark area, therefore he feels this plan will be untouched. Mr. Mihalko made a motion to accept this plan for fall 2023. Mr. Radcliffe seconds the motion. Mr. Brown stated that did not want to spend the money now without a comprehensive plan. Mr. Dawley mentioned that council had approved projects before without a long term plan such as applying for a grant for basketball/tennis court repaving that required an ADA parking space. Mr. Radcliffe stated he felt the park master plan will take up to six months to draft and that council should go ahead with this portion of the project. Mr. Brown voted no, Mr. Radcliffe voted yes, Mr. Mihalko voted yes, Mr. Dawley voted no, Mr. Stiller voted no, Mr. Lope voted no, the motion does not pass. Council thanked Ms. O'Brien for her efforts and stated that the plan could be used at a later time.

- 10. Planning Commission Update:** Mr. Griffith submitted the final draft to Council via PDF. Mr. Brown noted that the next step is for the Planning Commission to send the draft to county for a second review along with a response document to answer items posed by the county in its first response.
- 11. 2022 Audit:** Council reviewed the 2022 audit prior to the meeting. The auditor noted that they recommend the Borough consolidate bank accounts, they feel it's unnecessary to have as many as the Borough has. They also feel that risk exists having all borough accounts at one bank. Mr. Brown took away that he will look into this before next meeting. Mr. Brown also noted it states we're in good financial health, with one loan still open. Mr. Mihalko asked if we were allowed legally to have low-risk investment accounts which is something Mr. Brown stated he would look into it.
- 12. Insurance:** Ms. DiNuzzo noted that the Borough has been in contact with Century Insurance on obtaining a quote for both workers compensation and our general policy. We hope to have a quote for October, as the workers compensation expires October 17th, 2023.
- 13. 2024 Budget:** Mr. Stiller noted that our working schedule will be late October and urged council to begin working on budgeting for their areas for the 2024 budget.
- 14. Zoning Applications:** For the month of August, there were no applications submitted.
- 15. Executive session began:** 8:41pm *discussion was on personnel issues.*
- 16. Executive session ended:** 9:01pm
- 17. Meeting adjourned at:** 9:02pm

Jessica DiNuzzo, Secretary

September 05, 2023

Calls for Service - by UCR Code
Incidents Reported Between 08/01/2023 and 08/31/2023
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	2			
4012	GAS LEAKS (INCLUDING CO ALARMS)	1			
4027	TREES DOWN	1			
7092	ROUTINE PATROL COMPLETED	73			
9008	ADMINISTRATION - CLERICAL	1			
Total Calls		78			



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MEMO

TO: Ben Avon Heights Borough DATE: September 6, 2023
FROM: Kevin A. Brett, P.E. S. O. No.: 0452-01
 John R. Heyl, P.E., CPESC cc:
SUBJECT: **September 12, 2023**
 Meeting
 Engineering Report

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

Phase II Consent Order and Agreement (COA)

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

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.

MS4 Permit

MS4 Waiver was approved through 2028.

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. LSSE preparing bid documents for an October bid opening; LSSE provided the Advertisement on August 3, 2023. The Borough will be required to obtain a Highway Occupancy Permit (HOP) from PennDOT to raise the manhole to grade in their right of way. **LSSE has completed the HOP application and is awaiting PennDOT to process the application. Bid documents to be uploaded to bidding site week of September 5, 2023.***

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.

Canterbury Sidewalk and Curb

As requested, LSSE prepared Opinion of Probable Costs for Sidewalk and Curb Replacement. LSSE to prepare a Grant application for the 2023 LSA Grant.

Stratford/Clovelly Storm

LSSE is coordinating with Tri-State to review conditions of storm sewer connection and sinkhole area. LSSE requested proposals from contractors to address sinkhole in storm sewer. Proposals are due September 6, 2023; LSSE provided summary proposals to the Borough (Attachment A)

