



Borough of Ben Avon Heights

Tuesday, August 13th, 2024 - Council Meeting Minutes

A quorum is in attendance

Present:

Council Members: Brown, Berardi, Dawley, Lope, Morris, Neunder (7:03 pm), Stiller

Police: Beck

Fire:

Mayor: Dismukes

Solicitor: John Hosa

Secretary: DiNuzzo

Residents: Brian Miller 29 Oxford Road, Merritt Miller 29 Oxford Road, Bryan Robertson 4 Kent Road, Greg Mihalko 3 Briar cliff

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

- 1. Approval of July 2024 meeting minutes:** *A motion was made by Mr. Lope to approve the July 2024 meeting minutes. Mr. Stiller seconds the motion. Motion passed.*
- 2. Approval of July 2024 financials:** *A motion was made by Mr. Lope to approve the July 2024 financials. Mr. Dawley seconds the motion.* Mr. Brown noted the real estate taxes started to come in. All accounts together total \$1.453 million which is a positive story for this time of year. He added that there will be a new Roads account added to our reports in September. Mr. Brown noted there are few areas he would like to look into like building permit revenue. Ms. DiNuzzo will touch base with Harshman on that process. He also noted that Council estimated they would need to temporarily transfer \$100,000 from the reserve fund but he does not believe they will need to do that this year. He added we're high on our Borough engineer and solicitor fees. Mr. Stiller added that the design for the sewer and speed sign work contributed to this cost.
- 3. Emergency Management:**
 - a. Fire: *No fire present.*
 - b. Police: *Report below.* Mr. Brown thanked Sgt. Beck for the increased patrolling in the neighborhood recently. Sgt. Beck noted that these additional patrols are being funded by a grant they received, which allowed them to add additional patrolling. He added specifically the grant is for stop sign violations. He also added that speeding has become an issue all over their jurisdiction. Mr. Brown asked what residents should do if a door-to-door solicitor comes through the Borough that clearly does not have a permit. Sgt. Beck noted to call the police and they'll engage with them.
- 4. Public Comment:** Brian Miller at 29 Oxford Road came to discuss parking permits for his daughters' cars as they have received multiple parking tickets for overnight parking and there is no room for these additional cars in their driveway. Merritt Miller at 29 Oxford Road also came about parking. She just wanted some clarification as to why suddenly the police are ticketing cars more frequently. Mr. Brown noted that overnight parking on most streets in the Borough had been restricted for many years, and that only recently, in 2023, Council passed ordinance 354 that allowed residents to apply for parking permits, especially those properties who cannot fit cars into their driveways. Jacqueline Neunder at 5 Biddeford Road noted that a few residents approached her with concerns over obnoxious vegetation and how to enforce that ordinance and asked if the residents should call the non-emergency line with Ohio Township. Mr. Brown noted this would be a code enforcement issue, and we can touch more on this topic later in the meeting. Mrs. Neunder also added that there were some concerns over signage being attached to the park fence and

wanted to know whose job it was to remove those, as that would be in violation in ordinance 352. Mr. Brown noted this also would not be a police issue but a Borough and Council issue, and again we do not have a code enforcement officer, this issue would need to be brought up at the Council meeting and then someone on Council would need to take it down. Mrs. Neunder asked if it would be a good idea to send out communication to the residents stating that signage on and inside the fence is prohibited, Mr. Brown agreed. Mrs. Neunder suggested Mr. Dismukes address the community on this.

Greg Mihalko 3 Briar Cliff wanted to let Council know there are a few items on his sewer easement he didn't agree with and will work with the Solicitor on those items.

5. Infrastructure and Operations:

- a. Engineers report: (Memo below): Mr. Stiller noted that the crosswalks and curbs in the Borough had been painted, and the bus stop pylons on Oxford Road had been replaced with flexible pylons for the beginning of the school year. Also, that the center line on Wilson and curbs around the Borough had been repainted. Potholes on Briar Cliff and Clovelly were discussed. Mr. Heyl noted LSSE reviewed the intersection of Briar Cliff and Clovelly, he noted the asphalt was thin in that area to begin with and now rebar was visible. He noted that even if Avalon DPW would patch this, there would then be a bump and eventually you would have the same issue again. He suggested to saw cut the section and remove it to pave it. He noted we didn't need to bid this project out but would need to reach out to pavers. He also added the Borough should do this project in the spring as quotes now would be high. Mr. Stiller noted he will reach out to Avalon to patch this and the other issue on Clovelly as a temporary fix then explore options longer term next year.
- b. LSA grant bid for sewer project update: The contractor Jet Jack sent over the agreement for the 2024 sewer project that the Borough will need to sign. Once that is signed, the project will begin the preliminary steps including a preconstruction meeting. Mr. Brown would like us to give residents notification prior to the work taking place on their property which Mr. Heyl stated 48-hour notice before commencing work is part of the contract. Mr. Dawley would like some representation from the contractor to attend a meeting prior to the beginning of the start of the project. He also questioned who was overseeing the project. Mr. Heyl noted that LSSE will be on-site to manage the project.
- c. Canterbury sidewalk project: Mr. Heyl noted there is an additional grant that the Borough is going to apply for. A resolution will need to be passed at the September 2024 meeting to complete the application process.
- d. Speed Signs: Mr. Heyl noted that PennDOT noted there were a few changes in the application which LSSE addressed. Council is still waiting to hear on updates on an additional grant we applied for earlier this year.

6. Green Spaces Update: Mrs. Neunder noted that A&N gave them a quote for mowing the Briar Cliff and Cambridge Road area. They approved that quote and A&N will get to the area when they have us on their schedule. Mr. Lope noted that they updated the plants under the Ben Avon Heights sign to be more Deer resistant. He also added that A&N will need to cut the hedges again on Lynton Lane. Ms. Berardi noted that the Green Space subcommittee will begin sending out the questions to potential vendors. They would like to wrap this process up by the end of September and present their findings at the October 8th meeting. If the timeline stays on course, they hope to then let the chosen vendor know by mid-November to begin the process in the Spring. Mr. Dawley would like more clarification on the intentions of these next steps as he was confused if this was a maintenance plan or an improvement project for the park. Ms. Berardi noted that their vision is to stay close to how the community uses the park and what their future desired use of the park may be. With those insights they'll put together a thoughtful plan. Mrs. Neunder added they want to have a strategic and thoughtful plan set in place to not waste money, time, or resources.

7. Building, Zoning and Code Enforcement:

- a. Zoning Ordinance update: Mr. Stiller noted they are still working on definitions in the document and stopped at page 25 during the July working session. Mr. Dawley noted that meeting twice a month was a big commitment for Council members, and would like to brainstorm on how to discontinue working on the zoning at the working meetings and instead work on it at the regular Council meeting. Mr. Brown acknowledged Mr. Dawley's point that it did require more time and effort with two meetings, but reminded Mr. Dawley this was part of his volunteered time as a Council member and wanted to make sure Council was being thorough in their approach to the zoning ordinance revisions. Mr. Stiller brought up that the level of preparation required for each meeting was significant, and felt that they must be kept separate for both meetings to be effective. Other Council members voiced that they would not like to work on the zoning ordinance during the regular meeting and that it would be better to focus on the zoning ordinance in the working sessions.
- b. Motion to approve June Working Session minutes, vote: A motion was made by Mr. Brown to approve the June 2024 Working Session minutes. Mr. Morris seconds the motion. Motion passed.
- c. Code enforcement issues:

- i. 23 Briar Cliff Road: Mr. Lope noted that the property has been cleaned up. Mr. Brown added this is no longer a code enforcement issue.
- ii. Shrubs and trees throughout the Borough: Mr. Brown noted that Harshman, who does our building inspections and building permits, could also be contracted to enforce Borough codes. Discussion took place. Ms. Berardi will work on drafting a letter to send out to the community concerning vegetation. Bryan Robertson at 4 Kent Road noted that Council is about to send out their 4th email about trees and shrubs and believed that blanket messages to the public were ineffective. Certain instances of vegetation protruding into Wilson Rd. were then discussed. Mr. Robertson stated that the ask to remove the vegetation was reasonable as he did not feel that any resident in his area of Ben Avon Heights could justify trees and shrubs hanging into the street. Mr. Brown asked Mr. Robertson if he would volunteer to talk to the resident, and he agreed.
- d. Zoning applications: for the Month of July there were no applications.

8. Administration:

- a. August Working Session Agenda: Mr. Stiller noted they will begin working on page 25 and are continuing the work on the drafted zoning ordinance.
- b. Community Email: Ms. DiNuzzo noted there is a new email address for events in the Community. This email will just send out updates on events like Christmas Tea, The Halloween parade, etc. Residents are allowed to opt out of this email, and Ms. DiNuzzo did note as of today, no one has opted out of this email. Borough related and government information will continue to come out from the Borough email.
- c. Proposal Support to Clean Region Air Quality: Mr. Brown noted he is not ready to support the letter. Mr. Dawley also noted he does not support the proposal. Mr. Stiller added that Council could decide to support the cause online on an individual basis if they so choose to do so. Council agreed to not support the proposal as a government body.

9. Executive session: Legal Discussion; 8:18pm

10. Regular session began: 8:45pm

11. Meeting adjourned at: 8:46pm

Jessica DiNuzzo, Secretary

**CALL SERVICE REPORT GROUPED BY DESCRIPTION
INCIDENTS REPORTED BETWEEN 07/01/2024 AND 07/31/2024
BEN AVON HEIGHTS**

DESCRIPTION	JULY CALLS	YTD CALLS
Abandoned Vehicle	1	1
Animal Complaint	0	1
Animal Complaint - Injured/Deceased Deer	0	1
Assist Other Agency	0	1
Burglary Alarm - Residence	0	1
Civil Dispute	0	1
Disorderly Conduct	0	1
Domestic Disturbance	0	2
DPW Request	0	7
EMS Call	3	13
Fire Alarm - Natural Gas	1	1
Fraud	0	1
Harassment	0	1
Juvenile Disturbance	0	1
Local Ordinance Violations- Fireworks Complaint	0	1
Local Parking Ticket	6	7
Police Detail - Crossing Guard	0	6
Police Detail - Directed Patrol	63	456
Road Hazard	1	3
Suspicious Persons	2	2
Traffic Citations	3	6
Traffic Complaint	1	2
Traffic Stops	0	5
Trees on Wires	0	1
Utility Complaint	0	1
Warnings	0	7
Welfare Check	0	1
Wires Down	0	1
	81	532



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MEMO

TO: Ben Avon Heights Borough DATE: August 6, 2024

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

cc:

SUBJECT: **August 13, 2024 Meeting
Engineering Report**

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)**

2023 O&M Repairs – Contract No. 23-S1 (Re-Bid):

- *Borough was awarded \$149,905.00 LSA Grant*
- *Request for Easements for 2023 Sanitary Sewer O&M issued March 29, 2024.*
- *Bids were opened on April 5, 2024.*
- *LSSE issued the Bid Report for Borough review on April 9, 2024.*
- **Base Bid and Add Alternate No. 1 were awarded via letter dated August 2, 2024 to Jet Jack, Inc. (Attachment A).**
- **Pre-Construction Meeting to be scheduled. Contractor to be reminded that each homeowner will need to be given a minimum of 48 hours' notice before starting work on respective properties.**

2024 O&M Repairs:

- *PA Small Water and Sewer Grant awarded in the amount of \$257,053.00.*
- *2023 O&M (Year 4) CCTV has been completed.*
- *2024 O&M Budget provided on December 12, 2023.*
- *2024 O&M (Year 5): CCTV and MHPS completed May 6, 2024 along Biddeford Road and Stratford Road. LSSE has developed a repair scope and project design has been initiated.*

3. **MS4 Permit**

MS4 Waiver was approved through 2028.

4. **Canterbury Paving**

Columbia Gas indicated their contractor would address the issue.

5. **Canterbury Sidewalk and Curb**

2023 LSA Grant has been submitted. 2024 MTF Grant has been submitted.

6. **Electronic Speed Sign Permitting**

Permit plans and comment responses for the Traffic Control Devices on New Brighton Road and Perrysville Road were issued to PennDOT on July 31, 2024 (Attachments B, C and D).

The final executed ARLE Grant application documents were submitted and a copy transmitted to the Borough on June 27, 2024.

7. **Briar Cliff/Clovelly Intersection**

LSSE reviewed the pothole that was reported to the Borough by residents. The asphalt overlay has released from the underlying concrete pavement. The depth of the asphalt pavement appears to be an overlay of approximately one inch in depth. Please refer to the following photograph.



It is recommended that the Borough consider having Clovelly Road saw cut at the Briar Cliff curb line and approximately 5 feet above the damaged area. This section of the road should be removed, base repair should be performed. Then a new asphalt road section should be installed in this area.