



Borough of Ben Avon Heights

Tuesday, January 9th 2024, - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Sgt. Beck

Fire:

Mayor: Dismukes

Solicitor: Vogel

Secretary: DiNuzzo

Residents: Jed Hottenstein 21 Wilson Drive, Patti Schneider 50 Wilson Drive, Bryan Robertson 4 Kent Road, Kathy Scrabis 1 Oxford Road, Dan Scrabis 1 Oxford Road, Chad Slencak 30 Wilson Drive, Sharon Slencak 50 Wilson Drive

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

- 1. Roll Call:** There was a roll call of Council Members. A quorum is present. Mr. Vogel announced that John Radcliffe declined his his election and that Council and the Borough thank him for his numerous years of service. Later in the evening Council will hear from residents interested in the open seat and the seat will be a 2-year term. Mr. Vogel will also check with Allegheny County to confirm if Mr. Morris is appointed a 4-year term, he believes it's only a 2-year term. *Mayor Dismukes swears in the new Council members: Patrick Lope, Clayton Morris, Jacqueline Neunder, Steve Stiller.*
- 2. Reorganization:** Mr. Dismukes nominates Mr. Brown as Council president. There were no other nominations. Mrs. Neunder nominates Mr. Stiller as Vice President. There were no other nominations. *Mr. Brown began the meeting.* Mr. Brown noted that there is an open position on Council as Mr. Radcliffe declined to accept his term. Because of this, there is a 2-year position open. He added that 4 people did express interest in this open Council seat. He added that there is an open seat on the Zoning Hearing Board as Mr. Morris was a member, but he cannot serve on both Council and the Zoning Hearing Board, so he decided to step down from the Zoning Hearing Board, leaving an open seat. He noted that two residents expressed interest in this position. He added that there was also a planning commission seat open as well, as Al Cuteri resigned as Chair. He added that the Planning Commission consists of 3 people, one can be a Council member, but does not have to be. Mr. Brown continued that he would prefer to appoint people at our next meeting as listen to their presentations tonight.
- 3. Open positions:**

a. Finance / Administration	Mayor Dismukes, Jason Brown, Steve Stiller
b. Emergency Management	Mayor Dismukes, Jacquelyn Neunder
c. Streets and Utilities	Joseph Dawley, Clayton Morris, Steve Stiller
d. Health and Sanitation	Steven Stiller, Scott Dismukes
e. Green Spaces	Jacquelyn Neunder, Pat Lope
f. Digital Communications	Jason Brown, Steven Stiller
g. Insurance	Jacquelyn Neunder, Pat Lope
h. Planning Commission	Clayton Morris

Discuss Appointed Positions for the Borough

- | | |
|------------------------------------|-----------------------------------|
| i. Borough Secretary | Jessica DiNuzzo |
| j. Solicitor | John T. Vogel, Esquire |
| k. Borough Engineers | Lennon Smith Souleret |
| l. ACORD Executive Committee Chair | Damian Liska |
| m. ACORD Board | Terrie Brightmen & MaryBeth Bolam |
| n. Auditors | Hosack, Specht, Metzel and Wood |

- o. Emergency Management Coordinator Sgt. Adam Beck, OTPD
- p. Zoning Officer Thomas Price
- q. Zoning Hearing Board David Raves (chair), Michael Rovitto,
- r. Deputized Real Estate Jordan Tax Services
- s. Sewage fee collection Jordan Tax Service
- t. Planning Commission Members Justin Griffith, Michael Weir
- u. Building Inspectors Building Inspection Underwriters, Inc.
- v. Fire Chief Ensminger, Avalon
- w. Police Chief Joe Hanny, Ohio Township
- x. Emergency EMS Service Northwest Emergency Medical Services
- y. Wage Tax Collection Keystone Collections Group

A motion was made by Mr. Stiller to accept the Council members who volunteered for the sub-committees. Mrs. Neunder seconds the motion. Motion passed. Mr. Vogel noted that a formal vote on the appointed positions will happen in February as there may be some changes discussed this evening.

4. Approval of December 2023 meeting minutes: *A motion was made by Mr. Stiller to approve the December 2023 meeting minutes. Mr. Lope seconds the motion. A motion passed.*

5. Approval of December 2023 financials: *A motion was made by Mr. Stiller to approve the December 2023 financials. Mr. Lope seconds the motion.* Mr. Brown noted that we are in good financial position, we are up around \$50,000. For the month of December, the Borough was \$3,000 in the negative. We have \$1.267 million in the bank across our 7 different bank accounts and one outstanding loan. He added there were a few items for end of year outstanding. He also added that we had a surprise income from an unexpected class action long beach lawsuit of \$20,000, which left us in the positive of \$54,000. He added on the expense side the Borough had an unexpected purchase for the Borough laptop as it was long overdue to be replaced. The solicitor was a bit high this year due to numerous ordinances and right to know requests. Mr. Stiller added that roads were low as we did not have much snow in 2023. *Motion passed.*

6. Emergency Management:

- a. **Fire Report:** the was no fire to report.
- b. **Police Report:** (Report below). Mr. Brown asked Sargent Beck if in 2023 there were any speeding tickets written, excluding New Brighton and Perrysville. He noted that there were none. He also added that its' extremely challenging to radar for speeding in the Borough with the narrow streets and they are not long enough. He noted the tickets that have been given out are parking and stop sign related citations.

7. Public Comment: Jed Hottenstein 21 Wilson Drive, came to Council upset and with concerns over a letter he and his wife received stating their property was in violation of Ordinance 125. He felt this letter was politically driven and the timing was inappropriate being the week leading up to Christmas. He questioned who authorized the Borough secretary to send such a letter, and if Council was aware this letter had been sent out. Due to the fact that the mayor had not signed this letter, he feels due to what is written in the Ordinance, this letter is invalid. He also questioned how many vehicular accidents have taken place on Wilson, and if his hedges that were in question were the cause of those accidents. He added that he knew that 7 letters were sent out, but questioned why more were not, especially those with walls at intersections. Mr. Hottenstein wants a plan of action on the rest of the properties in violation of Ordinance 125 and questioned who will authorize that.

Mr. Brown responded that Council knew that Mr. Hottenstien and the other 6 properties in question would receive letters and authorized the Borough secretary to send these letters out. He also added that a community wide email was sent out before thanksgiving about Ordinance 125, and the email asked to please self-remedy if they were in violation. He hoped more than a few would have done this. Discussion took place at the December meeting of those properties still in violation and it was authorized then to send these letters. The topic of Ordinance 125 began when neighboring Killbuck Township reached out to see if we had an ordinance about hedges at intersections we could enforce, as a stop sign has continuously been knocked down at this intersection according to Killbuck. When The Borough approached the resident at the property in question, the property owner also questioned what the Borough planned to do with a list of properties in violation, which they provided the Borough. The Borough then investigated these properties, as well as other properties throughout the Borough once this resident brought it to our attention. Mr. Vogel added that he feels this was a proper interpretation of the ordinance, and you are allowed to selectively enforce unless it's with an improper motive. Mr. Brown continued that Ordinance 125 is there for public safety, but The Borough and Council can look into eliminating Ordinance with further discussions.

Patti Schneider at 50 Wilson Drive came with concerns over the stop sign that initially started the interest into Ordinance 125. She noted the sign had been knocked down for months, knocked down by a delivery truck. She added that

she has witnessed numerous cars turning onto Newgate that just roll through the stop sign, or don't stop at all. She also noted that she was the first to receive a letter and hers was sent to her on November 8th, 2023. After obtaining legal counsel of her own over this matter, she feels Council should have led with discussion over ordinance 125 over the threatening legal letter. She also consulted with her landscaper who stated her hedges would die if cut down to 3 feet. She feels someone on Newgate complained and wants her hedges cut down.

Mr. Brown noted this whole topic began when Killbuck Township reached out, explaining this stop sign keeps getting knocked down, and if we had an ordinance about hedges at intersections, to please enforce where necessary. Mr. Brown reminded members of the community all the ordinances are listed on our website to review.

Bryan Robertson at 4 Kent Road came to Council also over the topic of the letter he also received about Ordinance 125. He feels his hedges serve an important role with safety as his children play in the yard. He also feels they aesthetically fit with the neighborhood. He noted the concern raised about the safety on Wilson due to the hedges, he disagrees with this as he sends his children to the bus stop and they ride their bikes to Shannopin Country club, sometimes during dusk. He also stands on Wilson to trim and maintain the hedges and does not fear his safety. He questioned if there were any complaints about his hedges specifically or accidents at the intersection of Kent and Wilson. He noted in 2018 Council approached him to self-remedy as his hedges were in violation of Ordinance 125. He consulted his landscaper and cut them back as far as he was advised without killing them. They currently sit at about 4 feet and the branching begins at about 36 inches. Mr. Robertson also added that he walked the Borough this past weekend and with his interpretation of Ordinance 125, counted 22 properties in violation. He also added that he would like to see removable speed bumps and understands that the Borough has concerns over the snow plows and the damage that comes with that.

Mr. Brown appricated the case that Mr. Robertson presented to Council. He added that if he would be interested in an exemption to Ordinance 125, that's an option for anyone. This can be discussed with Council.

Kathy Scrabis at 1 Oxford Road came to Council to also discuss the letter they received noting their property was in violation of Ordinance 125. She noted that her hedges will also die if they are cut back to 3 feet. She asked Council if it was possible to move the stop sign, she feels it's too far back. She also suggested adding a mirror as well to help.

Dan Scrabis at 1 Oxford Road added that this has never been brought to their attention and they have done extensive landscaping to that corner of their property over the years, those hedges have been higher in the past. If they cut the hedges back, it will offer no privacy or protection. He would also like to see the stop sign moved, a mirror put in and possibly more police coverage. He doesn't believe there have been any accidents at that intersection other than weather related.

Chad Slencak at 30 Wilson Drive came to Council, like many other residents with concerns over the violation letter notice of Ordinance 125. He stated that he scheduled a time to meet with Mr. Brown to discuss a plan of action and Mr. Brown failed to show. He noted that like other residents tonight, their landscapers also advised not to cut their hedges back for fear they will not survive. He feels cutting these hedges back will de-value his home. He noted that he is deeply offended and feels targeted as others expressed at this meeting. Receiving this letter so close to Christmas put he and his wife under tremendous stress and feels Council did not respond as urgently as he expected. He feels his home and others like his, should be exempt from Ordinance 125 as they were built years before this Ordinance was put in place. He added that properties at Clovelly and Stratford, as well as Devon and Wilson are also in violation of this Ordinance. He would like to know why only Ordinance 125 is being enforced as there are 10 properties in his opinion that violate Ordinance 244. He reiterated that cutting hedges back he feels will de-value properties and he has seen the "hack jobs" of self-remedying in the Borough and they are not attractive.

Mr. Brown apologized for the "no show" as he initially was a little taken back by the tone of Mr. Slencaks emails and takes full responsibility for that. He also added that the understands some ordinances have grandfathered clauses, this is something that can be looked into. He reminded the public that the Borough does not have an ordinance officer so Council members have to take it upon themselves to look into anything that may have been reported to the Borough. He also thanked the members of the community for taking time out of their evening to come to Council and voice their concerns and comments on Ordinance 125. This allows all Council members to hear the publics concerns. This also allows Council to discuss Ordinance 125 and see if it is still relevant for safety reasons.

Sharon Slencak at 50 Wilson Drive voiced that she felt this could have been handled differently. Especially sending out warnings the week of Christmas. Mr. Brown agrees looking back Council could have communicated a little differently. Now with Council and the residents, we'll figure out the next steps of Ordinance 125.

Betsy Radcliffe at 14 Wilson Drive came to Council to make a statement. She noted she's attended Council meetings for the last 8 months, she's very focused on ordinances. With her research she noted that most ordinances at the end have a repealer clause. If the ordinance is in conflict with a previous ordinance, the previous ordinance shall be repealed. She used the 1994 zoning ordinance as an example. In that zoning ordinance, residents are allowed to have a 4-foot fence in the front yard, a 6-foot fence along the side and rear yard, right on the property line. There is no exclusionary clause. She does not feel "you" have the authority to amend or adjust an ordinance therefore if the ordinance says 7 days, you must abide by the 7 days. She noted the intersection at Clovelly and Stratford is a "T" intersection, there is a house where the hedges are at least 48 inches high. There is also a property at that intersection with a wall that obstructs. She

noted there also seems to be a disagreement as to where this is measured from, some say the middle of an intersection, The Borough says the curb. She disagreed with sending letters the week of Christmas; the original community email that went out only stated 7 days to self-remedy, there was no option to submit a plan. She repeated the point that the mayors signature should have been on the letter and wanted to know why it was missing.

Public comment shifted to those who were interested in any of the open seats with the Borough.

Jill Berardi at 11 Banbury Lane came to Council to express her interest in the open Council seat. She's lived in Ben Avon Heights for 20 years and believes you need to put in the work to continue to make this a beautiful community. On a personal level, she would like to honor her late father who passed away this past year; he had devoted his life time to giving back to his community through parks & rec. He found grants and mobilized his community through leadership and was able to build tennis courts, basketball courts, 3 baseball fields and a hockey rink. She helped him through these processes so, she's familiar with how this works. She's been a business owner for 10 years and she's been in a marketing and PR industry for 34 years. She is a board member for Front Porch Theatrics, a passport member with Pittsburgh AD Federation, a volunteer advisory Council for Startup Leaders and a volunteer with the Ben Avon Heights Community Club as well as a board member at Shannopin Country Club. She's politically registered as independent as she's likes to hear both sides before making a decision. She would like Councils consideration for the open seat on Council.

Terri Brightman at 17 Banbury Lane came to Council with interest in the open Zoning Hearing Board and Planning Commission seats. She's lived in the neighborhood for about 4 years and has a young daughter who enjoys playing in the neighborhood. She is a landscape architect by trade for 20 years, 14 of those in the New York City area. Because of her background, she's been on both sides of this process so she really understands the process. She's also very familiar with ordinances and variances so she feels she won't be swayed and will stick to the facts supported. She is also a board member at ACORD park for Ben Avon Heights. She's looking to give back to the community and feels this is a great opportunity for her to do so.

Travis Everly at 17 New Brighton Road came to Council with interest in the open Council seat. He has lived here for about 7 years and he and his wife fell in love with the neighborhood. The park holds a special place to them as they go there often with their children and have met and created great relationships with others in the community. He understands the frustration expressed to night because he too has received letters. He'd love to work with the Community to help and improve. His background is in finance and marketing. Thanked Council for the opportunity.

Evan Hudson at 9 Banbury Lane came to Council with interest in the open Council seat. He has a background in finance, specifically the treasury for 20 years. He really enjoys this community and would like to step up more and be involved.

8. Infrastructure and Operations:

- a. Engineers report: (Memo below). Mr. Stiller would like to make sure we have all the streets listed for the up coming projects. Mr. Brown also wanted Mr. Heyl's opinion on how to handle the up-and-coming project West View Water. He noted to just make sure that they are aware of the ordinances on open roads. Mrs. Neunder wanted to check and see if the roadwork tar was ever rectified. He noted that they have been sending letters to shields to rectify the situation. Mrs. Neunder will send Mr. Stiller some photos to help discussion. Mr. Dawley would like a 3-year plan of roads, he knew previously we had a road master plan, would like to start looking at that again. Mr. Stiller agrees, possibly this Spring we can begin to look at this again. Mr. Brown also requests that moving forward if Ms. DiNuzzo could inform residents that would be affected by any road work, to please let them know as he noticed Lynton Lane is all marked up and some residents approached him. He also asked Mr. Heyl if we need to coordinate with West view water with any of this and Mr. Heyl noted that as Ms. DiNuzzo has already done, make sure that they are aware of any ordinances that deal with street opening so they are aware of what they need to do.
- b. LSA Sewer Grant Award: Mr. Stiller noted that we were granted \$257,000 in grant money from the small water & sewer grant. This can go towards maintaining and improving our sewer system.
- c. Advertise re-bid for sewer lining, vote: *A motion was made by Mr. Stiller to advertise for a re-bid for the sewer lining. Mr. Lope seconds the motion. Motion passed.*

9. **Green Spaces Update:** Mrs. Neunder noted that clean up by A&N were completed in December 2023. She would like to look at some other alternatives other than TruGreen for the park this year. She hopes to make a presentation in February. Mr. Brown asked if the hedges on Lynton can be cut back and Mrs. Neunder agreed. She will reach out to see when the best time will be to cut back to make the park and Lynton safer. She's also working on the 5-year plan as requested by Mr. Brown. Hiring a professional will also be helpful, someone who doesn't have any ties to the park.

10. Building, Zoning and Code Enforcement:

- a. Zoning Ordinance update: Mr. Brown noted the Zoning Ordinance Hearing will be February 1, 2024 at 7pm at Avalon Fire Hall. Mr. Vogel will be unable to attend this meeting and will send a very knowledgeable co-worker.
- b. Review BIU contract, termination, vote: Mr. Brown noted that Harshman currently is the rental inspection for Ben Avon Heights. *A motion was made to terminate BIU contract for building inspections by Mr. Dawley. Mrs. Neunder*

seconds the motion. Motion passed. A motion was made to accept Harshman's agreement by Mr. Dawley. Mr. Lope seconds the motion. Motion passed.

- c. Zoning applications: Ms. DiNuzzo reported for the month of December, there were no applications submitted.

11. Insurance:

- a. Discuss and Evaluate Insurance Bid, vote: Mr. Lope presented the information to Council over the three bids they received. Mr. Lope suggested the best option for Council is Selective. *A motion was made to accept the Selective Insurance with the removal of inland equipment by Mr. Lope. Mr. Morris seconds the motion. Motion passed.*

12. Administration:

- a. Resolution to Approve Conflict of Interest Policy, vote: *Tabled until February*
b. 2023 Annual Report: Mr. Stiller apricates the work from all the sub committees on this and should be good to review in February's meeting.
c. Discussion Sick/No-Show Policy: Mr. Brown noted there has been an issue with crossing guards calling out and or not showing up. The Borough has reached out to the community a few times for those to be a paid back up option for when the crossing guards call out, but no one has stepped forward. He has started the process to be a backup.

13. Executive session began: 9:02pm

14. Executive session ended: 9:26pm

15. Meeting adjourned at: 9:27pm

Jessica DiNuzzo, Secretary

MEMO



TO: Ben Avon Heights Borough
FROM: Kevin A. Brett, P.E.
John R. Heyl, P.E., CPESC
SUBJECT: **January 9, 2024 Meeting
Engineering Report**
DATE: January 3, 2024
S. O. No.: 0452-01
cc:

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. PA Small Water and Sewer Grant awarded in the amount of \$257,053.00. 2023 O&M CCTV has been completed.

2024 O&M Budget provided on December 12, 2023.

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. Bids rejected at December meeting. **Project to be re-bid for February 2024 bid opening.***

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. 2023 LSA Grant has been submitted.

7. 2024 Road Paving

LSSE provided a preliminary estimate of probable construction cost to repave the portion of Courtney Mill Road within the Borough of Ben Avon Heights and to repair the area on Canterbury Road.

8. Inlet Cleaning

Work has been completed; awaiting final invoice.

January 05, 2024

Calls for Service - by UCR Code
Incidents Reported Between 12/01/2023 and 12/31/2023
BEN AVON HTS



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3600	DISTURBANCES-DOMESTIC	1			
3800	SERVICE CALL-MISCELLANEOUS	1			
3855	ROAD DEPARTMENT CALL OUT	1			
3870	MEDICAL EMERGENCY/ ASSIST AMBULANCE	3			
7092	ROUTINE PATROL COMPLETED	67			
CITW	WARNING	4			
Total Calls		77			

YTD
 State Citations 7
 Local Tickets 14
 Warnings 8