



Borough of Ben Avon Heights

Tuesday, July 9th, 2024 - Council Meeting Minutes

A quorum is in attendance

Present:

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

Police: Hanny

Fire:

Mayor: Dismukes

Solicitor: Mongilio

Secretary: DiNuzzo

Residents: Greg Mihalko 3 Briar cliff Road, Mary Ann Mihalko 3 Briar Cliff Road

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

- 1. Approval of June 2024 meeting minutes:** *A motion was made by Mr. Stiller to approve the updated 2024 meeting minutes. Mr. Lope seconds the motion.* Mr. Lope noted that in the Greenspace section, in #7 it should state Mr. Power. Motion passed.
- 2. Approval of Updated Financials:** *A motion was made by Mr. Stiller to approve the updated financials. Mr. Lope seconds the motion.* Mr. Brown apologized for the delay on these updated reports, there were multiple issues between software issues and other items like filing earn income taxes in the correct location, but he feels these are accurate. Mr. Morris wants us to confirm we are not being charged for correcting their errors. Mr. Brown will look into this once the invoice comes in. Motion passed.
- 3. Approval of June 2024 financials:** *A motion was made by Mr. Lope to approve the June 2024 financials. Mr. Morris seconds the motion.* Mr. Brown noted the real estate taxes are starting to come in. Other than solicitor and engineer lines all seem to be in line, and those are off due to the sewer easement project. Mr. Dawley questioned where we were with adding the roads fund account. Mr. Brown stated that Mr. Stiller and Ms. DiNuzzo looked into this and there are no fees to open a new account, Mr. Brown feels Council should move forward with this. Mr. Brown also noted that due to community concerns over the park and the money allocated to park expenses and how Council was planning on using these funds, he also looked into what we're allowed to use the RAD money the Borough receives each year. Their response included the act associated with RAD and suggested reaching out to neighboring Boroughs on how they spend their money. Ben Avon responded; they use it to offset tax payer funds. Mr. Brown would like Council to think about how they would like to move forward with the RAD funds. Motion passed.
- 4. Emergency Management:**
 - a. Fire: *No fire present.*
 - b. Police: *Report below.* Chief Hanny would like to remind residents to lock their car doors with an uptick of incidents in the surrounding area. Mr. Stiller requested Ohio Township to send a statement to Ms. DiNuzzo to share with the community. Mr. Brown reminded Chief how much the Borough appreciated their presence at the intersection of Perrysville and New Brighton the other month; he feels it helped with speeding and stopping issues at that intersection. He also appreciated the fraud presentation he sent over; the Borough will share this information on their websites and social media for community awareness.

- c. Northwest EMS: No EMS present. Mr. Brown noted he felt the response times were increasing, was curious and would like to investigate to know why.

5. Public Comment: Greg Mihalko at 3 Briar cliff Road noted that he had met with Mr. Heyl and Mr. Stiller prior to the meeting to go over options for the sewer easement on their property for the upcoming sewer lining project. One option presented was to move the manhole which he understands would cost the Borough more money as it would be a change order and does not want to cost the Borough additional costs. He has concerns over a mature tree in his yard; he would like this tree cut down if it dies due to this project at the Boroughs expense. He would also like the Borough to request a credit for his restoration as he is in the process of getting quotes for the restoration of his property after this project.

Mary Ann Mihalko at 3 Briar Cliff Road stated she was glad this meeting took place this evening to discuss the sewer easement on their property. She mentioned she was confused as to why at the last meeting when moving the sewer line to the street was brought up, they were told it was not an option but now it is. Mr. Heyl noted that at the meeting last month he could not confirm, they had to look at this further and discuss with the contractor before confirming. She also noted the green space on Briar Cliff has not been maintained this year. Mr. Lope noted he will look into it and work on a plan of action.

6. Infrastructure and Operations:

- a. Engineers report: (Memo below): Mr. Brown asked Mr. Heyl to take a look at the pothole on Briar Cliff that the Mihalkos mentioned. Mr. Heyl agreed to look at the pothole.
- b. Speed signs grant resolution: Mr. Stiller noted this is a ARLE grant of \$58,570 that requires no match for the addition of the electronic speed signs that were approved at the last meeting. A motion was made by Mr. Stiller to apply for the speed signs grant resolution. Mr. Dawley seconds the motion. Motion passed.
- c. LSA grant bid for sewer project: A motion was made by Mr. Stiller to grant the bid for the sewer project. Mr. Morris seconds the motion. Mr. Stiller noted that several members of Council have been working tirelessly with the 13 residents affected by the LSA Grant / Sewer project and reaching agreements on the easements required to complete the project. For access, 22 and 24 Banbury have verbally agreed to allow use of the driveway at 24 Banbury Lane and backyard or 22 Banbury lane to access the lines that run behind Banbury/Briar Cliff. In addition to noting the 7 completed agreements in hand, Council would work to finalize other verbal agreements in place. Mr. Brown added that they had an extensive meeting with the Mihalkos. The Borough engineer and Council members this evening worked on an agreement that Mr. Mongillo would work out with the Mihalkos based on several scenarios based on where the pipe is located. Discussion took place among Council. Motion passed to award Jet Jack Inc. for the sewer lining project work with the lowest bid at \$232,287.
- d. Canterbury sidewalk project grant submission: A motion was made to apply for the grant submission for the Canterbury sidewalk project by Mr. Stiller. Mr. Dawley seconds the motion. Mr. Stiller noted there was a grant opportunity for us to apply for a grant that can be used to fix the sidewalks on Canterbury, a project where engineering work was already in place and had been submitted for grants prior. Mr. Dismukes added that if we are rewarded, we can turn the award down if we are not comfortable with the requirements once further engineering work takes place. Mr. Dawley would like Council to begin the process of community engagement. He would like us to add this topic onto the agenda next month, so we can invite the public to discuss. Mr. Lope asked Council why the Borough is looking into fronting this project as this typically falls onto the home owners' responsibilities. Other instances where the borough had provided sidewalks in the past were discussed. Motion passed.
- e. Courtney Mill work: A motion was made by Mr. Lope to approve the intergovernmental agreement with Kilbuck to repair Courtney Mill Road. Mr. Stiller seconds the motion. Mr. Stiller noted they have been working with Kilbuck over different scenarios for the road. Kilbuck presented a revised proposal that they feel addresses the drainage issue and a draft intergovernmental agreement that would split the costs between the boroughs at \$37,000 each plus split costs of legal and engineering fees. Mr. Brown also noted he feels this is the best option for us financially. He added that this will change the order of roads on our list to be fixed but, he still feels this is in the best interest for us. Mr. Stiller stated that the long-term model spans over 15 years for restoration of our roads, and that we should take advantage of opportunities like this when they arise to lower cost impact. Mr. Morris questioned if we could abandon this road to another municipality down the line. Mr. Brown noted this could be a longer term option in hopes that Ross, who has residents on the road would pick it up but would most likely be more appealing after the road is fixed. Discussion took place. Motion passed.

7. Green Spaces Update: Mr. Lope updated Council, noting that the Greenspace team had A&N aggressively cut back the hedges along Lynton Lane to 36" and they have adapted nicely even with the high temperatures. Mrs. Neunder is working to with A&N to dial in the right maintenance plan on the grass at the park. Mr. Lope added they are still talking with beautification and maintenance plan partners and hope to have something to present to the Community next month.

- a. Park Audit: Mr. Brown noted that he asked the solicitor to start the process on the park playground audit. The audit took place last week and the report has not been published as of yet.

8. Building, Zoning and Code Enforcement:

- a. Zoning Ordinance update: Mr. Stiller noted that council edited through definitions on page 19 and would continue with zoning edits at the next working session. The solicitor looked at the questions Council had asked at the last working session and responded. Mr. Stiller will forward those soon so Council can review and discuss at the next meeting.
- b. Code enforcement:
 - i. 23 Briar Cliff Road: Mr. Brown noted that a resident sent an email to the borough about the condition of the property. Mr. Brown provided pictures to Council. He would like Council to review the property prior to next meeting to discuss if Council will enforce ordinance 300. Mr. Mongillo also agreed to look into who is in charge of the estate so Council can contact them directly. Mr. Dawley volunteered to reach out to the contact prior to next meeting.
- c. Zoning applications: an application for 18 Oxford Road to replace a current fence, and a replacement of a front porch at 22 Oxford.

9. Administration:

- a. Monthly Resident Email Content: Discussion took place on whether council would send a monthly email which would include Council business, Borough business and Community business. Mr. Stiller discussed the cadence that would be required to collate the content and send out a single monthly email. Mr. Dawley stated that council items that were voted on should be included like the grants that we just voted on. Mr. Mongillio added that those items are stated in meeting minutes and provide legal requirements for communicating to the public. Mr. Brown stated he was against this kind of email and using the mailing list aside from community alerts. Mr. Stiller agreed that it may be difficult to decide what was included and what wasn't, and also to answer resident questions on formal council business without the backing of approved meeting minutes. After discussion, Council agreed to have two email addresses that the Borough secretary would oversee; one would be for community type events like Christmas tea, The Halloween parade, etc, the other would be from the Borough email which would send out Borough related emails like road closures and public safety. Residents would be able to opt out of either email list.

10. Executive session: 8:27pm; this session was announced as being for human resources and legal topics.

11. Meeting adjourned at: 8:32pm

Jessica DiNuzzo, Secretary

**CALL SERVICE REPORT GROUPED BY DESCRIPTION
INCIDENTS REPORTED BETWEEN 06/01/2024 AND 06/30/2024
BEN AVON HEIGHTS**

DESCRIPTION	JUNE CALLS	YTD CALLS
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	4	10
Fraud	0	1
Harassment	0	1
Juvenile Disturbance	1	1
Local Ordinance Violations- Fireworks Complaint	0	1
Local Parking Ticket	0	1
Police Detail - Crossing Guard	0	6
Police Detail - Directed Patrol	64	393
Road Hazard	1	2
Traffic Citations	0	3
Traffic Complaint	0	1
Traffic Stops	3	5
Trees on Wires	1	1
Utility Complaint	1	1
Warnings	7	7
Welfare Check	0	1
Wires Down	1	1
	83	451



MEMO

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TO: Ben Avon Heights Borough DATE: July 3, 2024

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

SUBJECT: **July 9, 2024 Meeting**
Engineering Report

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)**

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.*
- **Next steps include finalizing the remaining easements, awarding contract, and scheduling pre-construction meeting. 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 to begin review and determination of repair scope upon receipt of deliverables from contractor.**

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.

6. **Electronic Speed Sign Permitting**

The survey work has been completed. LSSE is preparing the Highway Occupancy Permit application. LSSE transmitted permit plans and PennDOT documents for Borough review and signature on May 14, 2024.

*LSSE submitted the ARLE grant application. ARLE Grant reviewer indicated that the "scope of your project meets eligibility requirements for the ARLE Funding Program, however, based on our review of the project area and proposed improvements, the requested grant funding exceeds the estimated safety benefits of the project". **Grant application documents were transmitted to the Borough on June 27, 2024.***