



**BOROUGH OF WHITEHALL**  
**Notice of Meeting**  
**September 20, 2017**  
**8:00 PM**

The Council of the Borough of Whitehall will meet Wednesday, September 20, 2017, at 8:00 PM, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

**AGENDA FOR REGULAR MEETING**  
**September 20, 2017**

- I. Announcement - Residents to Sign In to Speak during Citizens' Requests; Speakers Allotted Three Minutes to Present their Initial Comments; All Meetings will be Recorded Auditorily and Visually
- II. Call to Order
- III. Pledge of Allegiance
- IV. Roll Call
- V. Consideration of Bills and Payroll – Veith
- VI. Consideration of the Minutes of September 6, 2017
- VII. Citizens' Requests
- VIII. Reports of the Following Officers:
  - A. Mayor - Nowalk
  - B. Solicitor - Firman
  - C. Engineer – Omer
  - D. Manager – Leventry
- IX. Reports of the Following Committees:
  - A. Public Works – Nagy, Book, Wotus
  - B. Public Safety – McKown, Veith, Book
  - C. Recreation – Wotus, Nagy, Lahr
  - D. Administrative Services – Veith, McKown, Nagy
  - E. Library – Lahr, Wotus, McKown
  - F. Planning & Zoning – Book, Veith, Lahr
- X. New Business
- XI. Adjournment

BOROUGH OF WHITEHALL

INDEX

MINUTES OF THE SEPTEMBER 20, 2017 COUNCIL MEETING

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	Motion	Page
Bills, Payroll - Approve	M-1,2,3	1
September 6, 2017 Meeting Minutes – Approve	M-4	2
Resolution No. 950 – Officer K-9 Keela Retirement	M-5,6	2
Public Hearing: Conditional Use 3401 Provost Road - Continue to October 18, 2017 Meeting	M-7	2
Doverdell Deck Re-Building Permits – Waive Fees	M-8	5
Payment to Jet Jack – Approve	M-9	6
Payment to Insight Pipe – Approve	M-10	6
Whitehall Salt Dome Construction Plan – Approve	M-11	6
Backflow Preventer at 4760 Jewel Drive – Install	M-12	6
Ordinance No. 1099 – Doverdell Drive Project Borrowing	M-13,14	7
Meeting Resume at 8:57 PM	M-15	7
Eligibility List for position of Patrolman – Establish	M-16	7
PSAB Conference – Book - 3 <sup>rd</sup> Night –Pay	M-17	8

## BOROUGH OF WHITEHALL

## Regular Meeting September 20, 2017

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, September 20, 2017, at 8:00 PM, for a regular meeting. Vice-President Book called the meeting to order, followed by the Pledge of Allegiance.

Vice-President Book announced that all meetings will be recorded auditorily and visually.

ROLL CALL:

Present: Linda J. Book  
Philip J. Lahr  
Robert J. McKown  
Glenn P. Nagy  
William J. Veith  
John A. Wotus (Arrived at 8:50 PM)  
James F. Nowalk, Mayor  
Daniel C. Conlon – Tucker Arensberg, P.C.  
Ruthann Omer, Engineer

Absent: Kathleen N. DePuy  
Irving S. Firman, Solicitor

STAFF: James E. Leventry, Manager  
Keith P. Henderson, Chief of Police  
Courtney M. Wertz, Administrative Assistant

CONSIDERATION OF BILLS & PAYROLL

- M-1 Mr. Veith moved, seconded by Mr. McKown, that the bills contained on the bill list presented to Council on September 20, 2017 for \$665,545.13 from the General Fund, \$20,008.76 from the Storm Sewer Fund, \$45,631.70 from the Sanitary Sewer Fund and \$2,105.75 from the Capital Projects Fund be approved. The motion carried unanimously.
- M-2 Mr. Veith moved, seconded by Mr. McKown that checks and transfers for \$5,848.76 from the General Fund and \$52,536.29 from the Payroll Fund be ratified. The motion carried unanimously.
- M-3 Mr. Veith moved, seconded by Mr. McKown, that General Fund payroll for the period ending September 15, 2017 for \$151,892.83 as presented to Council on September 20, 2017, be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES

M-4 Mr. McKown moved, seconded by Mr. Lahr to approve the Minutes of the September 6, 2017 meeting as presented. The motion carried unanimously.

K-9 OFFICER KEELA RETIREMENT

Mayor Nowalk prepared a Resolution honoring K-9 Officer Keela on her retirement as a member of the Whitehall Borough Police Department.

M-5 Mr. McKown moved, seconded by Mr. Lahr to read the Resolution. The motion carried unanimously.

M-6 After the reading of the Resolution, Mr. McKown moved for adoption. Mr. Lahr seconded the motion. On a roll call vote Ms. Book, Mr. Lahr, Mr. McKown, Mr. Nagy and Mr. Veith voted yes. The motion carried unanimously. The Resolution No. is 950.

PUBLIC HEARING: CONDITIONAL USE 3401 PROVOST ROAD

A court reporter was present to document the public hearing.

Mr. Conlon re-opened the public hearing for conditional use application by Whitehall Care Group, LLC for a proposed 66-unit Alzheimer Care facility at 3401 Provost Road. At its August 16, 2017 meeting, Council opened the public hearing on a conditional use application by Whitehall Care Group, LLC for a proposed 66-unit Alzheimer Care facility at 3401 Provost Road. The conditional use and accompanying land development (site plan) were reviewed by the Planning Commission at its September 7, 2017 meeting. Both applications were tabled to allow the applicant to address outstanding issues related to the development.

Pursuant to the applicant's request, staff recommends Borough Council continue proceedings until the October 18, 2017 Borough Council Meeting.

M-7 Mr. McKown moved, seconded by Mr. Lahr to continue the public hearing to October 18, 2017. The motion carried unanimously.

CITIZENS' REQUESTS:

Nancy Riley, 4950 Carlyn Drive, appeared before Council wanting clarification on changes occurring in her neighborhood recently. She stated that two properties on Carlyn Drive have been purchased by realty/home health companies that specialize in providing houses for the physically and developmentally disabled. Ms. Riley wants to know how these companies are allowed to purchase single family homes and convert them for use by more than one person(s).

Sandy Picchi, 4932 Carlyn Drive, appeared before Council on behalf of her neighbors who were also present. They are concerned about how the changes that Ms. Riley discussed will affect their property values as she claims the renovated properties do not conform to R1 Zoning as single family homes and there are concerns about the types of people moving into the neighborhood. Neighbors have been told by contractors onsite that 2 handicapped individuals will be moving into the house at 4945 Carlyn Drive. One will occupy the first floor and the second will occupy the walk-out basement. Ms. Picchi stated that nursing and assisted living facilities are not permitted home occupation uses in R1 Districts. The property at 4803 Carlyn Drive seems to have 24 hour assistance onsite. On another note, Ms. Picchi stated that there is a loophole that allows an unlimited number of people to reside in one single family home as long as they are related. She stated the definition of "family" is vague and asked for revisions to the Borough Code to clarify so that it is not exploited in the future. She stated that large families occupying a single family home are disruptive. Ms. Picchi also wanted to know if the School District was verifying the status of the minor children living in homes in Whitehall Borough to ensure they are living with a parent or legal guardian.

Mr. McKown stated that Ms. Picchi's last question should be directed to the School District, not the Borough.

Ms. Picchi stated that she has spoken to the Planning, Zoning & Code Enforcement Office about these issues. She stated that the office is aware of various issues at the property including a large truck parked in the driveway.

Mr. Lahr stated that there are quite a few group homes that exist in Whitehall Borough where non-profit organizations purchase the homes and have 2-3 people live there.

Ms. Picchi inquired if those homes have 24-care for those residents because she claims that is a commercial use.

Mr. McKown stated that Council will defer to the Solicitor because federal law applies to this situation, which supersedes Borough Ordinances.

Mr. Conlon stated that he cannot comment without investigating the specific complaint further.

Mr. Leventry stated that federal law allows group homes in residential neighborhoods. The group homes presently in Whitehall Borough meet the requirements of the federal law and are allowed.

Mayor Nowalk stated that federal laws prohibit municipalities from using zoning to limit or prohibit these types of dwellings.

Ms. Book stated that the Solicitor will review the resident's questions/concerns and will respond to Council.

Mr. McKown stated that code violations at the properties such as a commercial vehicle in the driveway or high grass can be addressed by the Borough but the restriction of group homes falls under the jurisdiction of federal law. Mr. Leventry stated that federal law may allow more than 3 individuals to reside in a group home.

Mr. Leventry stated that Mr. Dellett has been inside the homes in question and they still function as a single family dwelling. Two residents are living on separate floors of the home which is still connected, has a single entrance and shares a living space. The contractor initially applied for a building permit to split the building into 2 separate apartments which was denied.

Kelly Diulus, 4940 Carlyn Drive, stated that there has been a commercial truck parked in the driveway of 4945 Carlyn Drive for a month now. She stated that her husband was told by the workers on site that there are two separate units in the house that will be rented out to two separate people.

Susan Malcom, 4937 Carlyn Drive, appeared before Council to inquire about Borough oversight of who is purchasing homes in the Borough, what they are using them for and if they can have a say in who property is leased to.

Mayor Nowalk stated that there are numerous group homes throughout neighborhoods in Whitehall and the Borough has not "gone downhill" as the Carlyn residents fear. He proposed having a "community conversation" with the neighborhood and the companies operating group homes to have a meaningful discussion. He applied the same approach at Prospect Park apartment and it was successful.

Ms. Book stated that communication is the key.

Mr. Lahr asked the Solicitor to inquire what the rules are regarding if and how the Borough can place a limit on the number of people allowed in a single family house.

Ms. Picchi stated that the Borough should make residents provide proof that they are related.

Ms. Picchi wanted to know why the Borough can't require proof of relationships and enforce the rules.

Mr. Lahr stated that federal law supersedes any Borough Ordinances.

Mr. Conlon stated that a legal response to Council will be forthcoming.

MAYOR:

Mayor Nowalk reported on the following items:

- The Borough reported 8.18 percent of the calls to animal control services in August.
- Mayor Nowalk stated that the Chief reports that on September 9<sup>th</sup> the Whitehall Police Department held their annual Hunter Safety Course in the Community Room. The class was attended by 37 youths as well as 13 adults. This year marked the 23<sup>rd</sup> class the department has held.
- Mayor Nowalk stated that the Chief reports that Officer Seese attended Training for “Mental Health First Aid” last week. The training helps prepare officers for dealing with mentally challenged individuals.
- Mayor Nowalk stated that Senate Bill 251 is out of committee and set to be voted on in the Senate. Representatives Kortz and Readshaw have been very supportive of the Radar Bill.

SOLICITOR:

No report.

ENGINEER:

Ms. Omer reported on the following items; members of Council received written copies of the Engineer’s report:

- A Project Meeting is scheduled for October 4<sup>th</sup> at 6 PM.
- Doverdell Drive Watershed Project – Merante pushed the start of construction back to the week of the 25<sup>th</sup>. PennDOT permitting coordination was completed on September 13, 2017. Numerous decks have been removed and Gateway is in the process of reviewing the demolition invoices and work completed. 4 decks have already been removed. Earth disturbance permit coordination with Allegheny County Conservation District has been completed. Ms. Omer requested that Council waive the administration and inspection fees for residents rebuilding their decks once the project is complete. The fees range from \$50-\$200.

M-8 Mr. McKown moved, seconded by Mr. Lahr to waive administration and inspection fees for residents rebuilding their decks after the Doverdell Drive Storm & Sanitary Sewer Project is complete. The motion carried unanimously.

- Operations & Maintenance Plan – The 2017 Capital Lining Contract is underway. Jet Jack is completing the work.

M-9 Mr. Lahr moved, seconded by Mr. Veith to approve Payment Application No. 1 to Jet Jack in the amount of \$193,713.13. The motion carried unanimously.

- Operations & Maintenance Plan – The 2017 Sanitary Sewer Excavation Repair Contract is underway. Insight Pipe is completing the work.

M-10 Mr. Lahr moved, seconded by Mr. McKown to approve Payment Application No. 1 to Insight Pipe in the amount of \$185,116.81. The motion carried unanimously.

- Planning & Zoning – The Borough is considering construction of a salt dome facility. The Borough worked with the developer of the Independent Living Facility to agree on a subdivision. Planning Commission reviewed the subdivision and recommended approval. The property is being donated to the Borough by the Developer. The project has not been approved by Council yet but will be discussed at the October 4<sup>th</sup> meeting.

M-11 Mr. McKown moved, seconded by Mr. Lahr to approve the Whitehall Salt Dome Consolidation Plan as recommended by the Planning Commission. The motion carried unanimously.

Mr. Lahr stated that a salt dome will enable the Borough to receive its entire salt order at once and open up the garage space where salt is currently stored.

- Backflow Preventer – Gateway Engineers recommends the installation of a backflow preventer at 4760 Jewel Drive.

M-12 Mr. Lahr moved, seconded by Mr. McKown to approve the installation of a backflow preventer at 4760 Jewel Drive. The motion carried unanimously.

- Meeting – Ms. Omer stated that she and Mr. Rusmiser will be meeting with Borough staff tomorrow to discuss the 2018 Engineering Budget and Frank Street Park.

Ellen Vetere, 4751 Meadowgreen Drive, inquired about when and where the Doverdell construction will begin. Ms. Omer stated that construction will begin next week on Weyman Road near Caste Village. Ms. Omer received Ms. Vetere's contact information to add her to the Doverdell Communications Plan for future updates.



MANAGER:

Mr. Leventry reported on the following items according to the written report given to Council:

- ACSTCC Meeting – Mr. Leventry will be attending the Allegheny County Southwest Tax Collection Committee meeting tomorrow in Mrs. DePuy's absence. The agenda includes a discussion regarding ACT 172.
- Borrowing Ordinance – The Ordinance authorizing the borrowing of the funds for the Doverdell Drive Project has been on public display for the past two weeks.

M-13 Mr. McKown moved, seconded by Mr. Lahr to read the Ordinance in summary form. The motion carried unanimously.

M-14 After the reading of the Ordinance, Mr. McKown moved to adopt the Ordinance. Mr. Lahr seconded the motion. On a roll call vote Ms. Book, Mr. Lahr, Mr. McKown, Mr. Nagy and Mr. Veith voted yes. The motion carried unanimously. The Ordinance No. is 1099.

The meeting was suspended at 8:50 PM to allow for Council members and representatives of the bank to sign the Ordinance and accompanying documents.

M-15 Mr. McKown moved, seconded by Mr. Wotus to resume the meeting at 8:57 PM. The motion carried unanimously

Mayor Nowalk inquired about the status of Mr. Popovski's request from the last Council meeting. Mr. Leventry previously forwarded Mayor Nowlk the contact information for Oxford Development Corporation.

PUBLIC WORKS:

No report.

PUBLIC SAFETY:

Mr. McKown stated that he received a letter from Upper Saint Clair Police Department thanking Deputy Chief Jason Gagorik for his help with a car crash on Washington Road.

M-16 Mr. McKown moved, seconded by Mr. Lahr to instruct the Manager to notify the Civil Service Commission to test and establish an Eligibility List for the position of Patrolman in the Police Department. The motion carried unanimously.

RECREATION:

Mr. Wotus stated that the Recreation Board met last Monday. The bus trip to the Flight 93 Memorial went well. The next Senior Social will be September 28<sup>th</sup>. It will be sponsored by Representative Kortz. There are currently 46 people signed up to attend. The monthly "Scrapbook on Sunday" has started. The Comedy Show will be in February.

ADMINISTRATIVE SERVICES:

Mr. Veith stated that after more discussion on the plaque for the Citizen of the Year Award, it was decided that the plaque will be renamed Person of the Year as not all recipients were residents. It will mention that the award is given on Whitehall Borough Community Day and will list the recipient's name, accomplishment and date of award. Mr. Veith will draft a list and send to Council for review.

Mr. Veith stated that the chairs and carpet in the Community Room are in bad shape. He suggested looking at cleaning the carpets and replacing the chairs at budget time.

Mr. Wotus inquired if the Borough performs an annual inventory of items in the building, including chairs. Mr. Leventry stated that an outside company keeps track of the inventory.

Mr. Veith inquired about the age of the carpet in the Community Room. Mr. Leventry stated it is only one year old. The Borough will investigate having the carpet professionally cleaned.

LIBRARY:

Mr. Lahr introduced Mr. George Findlay of the Library Board to give a report.

Mayor Nowalk thanked Ms. Book for her film presentation last evening in the Community Room. Mr. Book stated that she is looking into taking the presentation to the School District.

PLANNING & ZONING:

Ms. Book stated that the Planning & Zoning Committee met prior to tonight's meeting.

NEW BUSINESS:

Ms. Book stated that the PSAB Fall Conference will be the second week in October. PSAB pays for two of the three nights she is there. She requested that the Borough pay for the third night and conference fees.

M-17 Mr. Lahr moved, seconded by Mr. McKown to pay for Ms. Book's third night of the PSAB Fall Conference and conference fees. The motion carried unanimously.

Mr. Nagy inquired about using the SwiftReach system to alert residents to the closure of Weyman Road.

Ms. Omer stated that a communications plan is in place. Gateway is trying not to abuse the SwiftReach system, opting for email alerts instead unless it is a true emergency.

Mr. Nagy stated that the email distribution only alerts those that have signed up and live in the affected area. A SwiftReach call would reach all residents.

Chief Henderson stated that people begin to ignore the SwiftReach calls if it is overused.

Ms. Book inquired about alternate PAT bus routes during the Weyman Road closure. Mr. Leventry stated that a final plan is expected tomorrow.

Mr. Veith inquired about the Provost-Fairhaven issue with the City of Pittsburgh. Mr. Leventry stated he is still working on it.

ADJORNMENT:

The meeting adjourned at 9:24 PM.

READ AND APPROVED THIS DAY OF OCTOBER 4, 2017:

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Manager



