



BOROUGH OF WHITEHALL
Notice of Meeting
August 15, 2018

The Council of the Borough of Whitehall will meet Wednesday, August 15, 2018, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

AGENDA FOR REGULAR MEETING
August 15, 2018

- I. Announcement - Residents to Sign In to Speak during Citizens' Requests
- II. Call to Order
- III. Pledge of Allegiance
- IV. Announcement - All Meetings will be Recorded Auditorily and Visually
- V. Roll Call
- VI. Consideration of Bills and Payroll - DePuy
- VII. Consideration of the Minutes of August 1, 2018
- VIII. Announcement - Speakers Allotted Three Minutes to Present their Initial Comments
- IX. Citizens' Requests
- X. Reports of the Following Officers:
 - A. Mayor - Nowalk
 - B. Solicitor - Firman
 - C. Engineer - Rusmisl
 - D. Manager - Leventry
 - E. Assistant Manager - Wertz
- XI. Reports of the Following Committees:
 - A. Library - Veith, Lahr, McKown
 - B. Planning & Zoning - Lahr, DePuy, Wotus
 - C. Public Works - Nagy, DePuy, Wotus
 - D. Public Safety - McKown, Veith, Nagy
 - E. Recreation - Wotus, Nagy, Veith
 - F. Administrative Services - DePuy, McKown, Lahr
- XII. New Business
- XIII. Adjournment

BOROUGH OF WHITEHALL

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BOROUGH OF WHITEHALL

Regular Meeting August 15, 2018

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, August 15, 2018, at 8:00 PM, for a regular meeting. Vice President Veith called the meeting to order, followed by the Pledge of Allegiance.

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

ROLL CALL:

Present: Kathleen N. DePuy
Philip J. Lahr
Robert J. McKown
Glenn P. Nagy
William J. Veith
John A. Wotus
James F. Nowalk, Mayor
Robert McTiernan - Tucker Arensberg, PC
Bryan W. Flaugh, P.E. – Gateway Engineers

Absent: Linda J. Book
Irving S. Firman, Solicitor
Scott Rusmiser, Engineer

STAFF: James E. Leventry, Manager
Courtney M. Wertz, Assistant Manager
Keith P. Henderson, Chief of Police
Scott Dellett, AICP, Director of Planning, Zoning and Code Enforcement

CONSIDERATION OF BILLS & PAYROLL

M-1 Mrs. DePuy moved, seconded by Mr. McKown, that the bills contained on the bill list presented to Council on August 15, 2018 for \$182,266.99 from the General Fund be approved. The motion carried unanimously.

M-2 Mrs. DePuy moved, seconded by Mr. Lahr that bills contained on the bill list presented to Council on August 15, 2018 for \$74.33 from the Storm Sewer Fund, \$633,081.20 from the Sanitary Sewer Fund and \$359.99 from the Capital Projects Fund be approved. The motion carried unanimously.

- M-3 Mrs. DePuy moved, seconded by Mr. Lahr that checks and transfers for \$7,482.36 from the General Fund and \$54,131.34 from the Payroll Fund be ratified. The motion carried unanimously.
- M-4 Mrs. DePuy moved, seconded by Mr. Lahr, that General Fund payroll for the period ending August 3, 2018 for \$171,656.99, as presented to Council on August 15, 2018, be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES

- M-5 Mr. Lahr moved, seconded by Mr. Wotus to approve the Minutes of the August 1, 2018 meeting as presented. The motion carried unanimously.

CITIZENS' REQUESTS:

Hal Plusa, 4647 Doverdell Drive appeared before Council on behalf of the Whitehall Wildlife Management Committee with an example of the yard signs that have been purchased. Mr. Plusa had one sign for each member of Council to display in their yards for one month. The Committee will have more signs available at Community Day.

Doris Precopio, 5096 South Passage Drive, appeared before Council to discuss the new residential rental ordinance. Ms. Precopio owns a house that her son lives in. It is not a rental. Mr. Leventry stated that he is waiting for a legal opinion on the matter. The ordinance as written defines rental as a "nonowner occupied unit." The legal opinion will determine if exemptions for family occupied units can be made. Mr. McKown stated that the ordinance should be corrected for situations like this.

Lisa Borelli, 4572 Doverdell Drive, appeared before Council with concerns about the Doverdell Drive Project. Restoration is needed in her yard. Mr. Leventry stated the projected completion date is mid-September. A letter was sent to A. Merante. The Borough is putting pressure on them to complete the project in a timely fashion. Currently the streets are being restored to prepare for the start of school next week. Yard restoration will take place next and the street will be fully paved.

Nancy & Bill Ihrih, 4954 Parkvue Drive, appeared before Council to complain about a retaining wall and fence that their neighbor recently installed. Mr. Dellett stated that the wall is in compliance with Borough Code; aesthetics are not regulated. The Ihrih's issue with the fence is different from the retaining wall. The property owner has requested a variance at the August 28th Zoning Hearing Board to extend the current fence on their corner lot.

Mr. Nagy stated that the issue of commercial material in residential districts has never come up before which is why the Borough Code does not address it. Until someone pushes the limit, Council does not go out and create Codes for something that may or may not happen in the future.

Victoria Baker, 45 Hennig Drive, appeared before Council about the ongoing water issues in the Steeplechase community. She also has issues with her neighbor previously draining her swimming pool into the yard for which the neighbor was not cited. Mr. Leventry stated that Ms. Baker's issues are private matters. She should file actions with Allegheny County Health Department Division of Plumbing and/or the District Magistrate for the swimming pool issue. The Borough does not oversee issues of this nature and has no power to regulate or cite the neighbor. In regard to the flooding in the Steeplechase community, Mr. McTiernan stated that a legal written opinion was prepared and the Borough does not have the responsibility or authority to use Borough funds to remedy private issues.

Linda Laska, 61 Hennig Drive, appeared before Council to discuss the water issues at Steeplechase coming from Raintree Drive and common property in the development. She again requested a report from Gateway Engineers on the Raintree properties. Mr. Leventry stated that the Borough is not permitted to enter private property without permission from the owners. Council has not directed Gateway to go onsite, perform any type of study, or produce a report. The common property in Steeplechase is not owned by the Borough. The issues that Ms. Laska speaks of are private issues between neighbors and the HOA. Mr. McTiernan stated that the written legal opinion further strengthens the Boroughs position from the last Council meeting, which Ms. Laska attended. Mr. McTiernan stated the Borough's project at Echo Glen is different from this situation in that the Borough was partially responsible for problems in that area and there was an issue of potential litigation. Mr. Veith stated that Council listened to resident concerns, investigated and received legal advice. It is not a Borough issue.

Ms. Baker stated that Pleasant Hills Borough resolved flooding issues.

Mr. Lahr stated that Whitehall Borough is not Pleasant Hills. Borough Council listened to residents, investigated the matter and received a legal opinion on the issue.

Robert McHugh, 1316 Portview Circle, appeared before Council to thank Whitehall Borough Police for their efforts thus far in dealing with the nuisance property on Moorridge Drive. Mr. McKown stated that the Borough was in court last week for the matter.

Mary Scherer, 4837 Roberta Drive, appeared before Council to ask that they consider an ordinance to turn all resident wood burning fires into gas burning fires. Ms. Scherer said she gets smoke from her neighbors' houses above her and cannot use her yard. Police have been called and all the neighbors are burning per the Borough Code. Mr. Leventry stated that the Borough Fire Pit Ordinance is very similar to the County's. Mr. Nagy stated this is another example of an issue that was pushed to the limits so Council passed an ordinance that is somewhat restrictive but they cannot police every resident's backyard. The ordinance is fair to a majority of people. Ms. Scherer lives in a valley where smoke lays. Mr. Veith stated that the Police can be called to investigate what people are burning if an issue arises because that is regulated. Mr. Lahr and the Planning & Zoning Committee will look into strengthening the existing Ordinance.

Steve McGreevy, 4856 Mooreridge Drive, appeared before Council on behalf of his neighborhood watch group about the nuisance property on Mooreridge Drive. He attended the Planning Commission meeting last week. Mr. McKown stated that the neighbors should continue to call the Police if issues arise at the property.

Kevin Turkall, 4808 Doverdell Drive, appeared before Council to inquire about the status of a legal document regarding an easement at his property. Mr. Leventry stated that Tucker Arensberg is reviewing the document. Mr. Firman will be in touch with Mr. Turkall.

Ray Vargo, 4590 Doverdell Drive, appeared before Council with concerns about the Doverdell Drive Project. Mr. Nagy stated that this issue was addressed at the last Council Meeting. Gateway is putting pressure on Merante to finish the job and the Solicitor has done what we can legally. Council is sensitive to the issue. The project is nearing completion. The significant rains recently have proved that the project works. Mr. Leventry stated that Scott Rusmisl is the project manager and will be at the next Council Meeting to discuss specifics. The Borough currently owes \$1 million on the contract and has a 10% retainer that can be held back, in addition to possibly fining Merante per the contract.

MAYOR:

Mayor Nowalk reported on the following items:

- The Borough reported 7.05 percent of the calls to animal control services in July.
- Mayor Nowalk stated that the Chief reports that PennDOT, who reported one month ago that the Stewart Bridge Project would take one year, has revised their projections. The Chief received a letter this past week stating the bridge repair project will begin the first week of September and will be completed by the end of the year.
- Mayor Nowalk stated that the Chief reports that the faculty at the Allegheny County Police Training Academy has chosen Whitehall Cadet Joseph Persichetti as Class Leader. Joe will act as liaison between the class and staff of the academy and the head of the Assistant Class Leader and 4 Square Leaders.
- Mayor Nowalk stated that the Community Day Award recipients have been chosen. This year's Person of the Year will be Heather Tomko, Miss Wheelchair USA 2018. The Service Award will go to the Caste Family for retrofitting the old bowling alley at Caste Village Shopping Center for Project Linus as no cost to the nonprofit organization.

Mr. Wotus stated that he recently saw Ms. Tomko and she is ecstatic to win the award.

Nominations for the Good Neighbor Award will be accepted until August 20th.

- Mayor Nowalk stated that he approved a block party on Wheaton Drive on August 25th.

SOLICITOR:

No report.

ENGINEER:

Mr. Flaugh reported on the following items; members of Council received written copies of the Engineer's report:

- 4515 McKee – Mr. Rusmisl met with the residents here on Monday about a water issue. The water they get in their backyard does not look like overland flooding. The Borough will televise the lines in the backyard and downstream. It appears that a natural spring is located in the backyard.
- Doverdell Drive Watershed Project – Mr. Flaugh will pass on the concerns from residents at tonight's meeting to Mr. Rusmisl.
- Operations & Maintenance – Roto Rooter is tentatively scheduled to start work on the 2018 Sanitary Sewer Excavation Repair Contract on Monday, August 20th.
- 2018 Road Program – Work is tentatively scheduled to start at the end of August/beginning of September. Gateway is in discussion with PAWC about splitting the cost of paving the 3 streets they dug up that are not part of the road program. The gas company may also be looking to dig on those streets which will be taken into consideration.
- Frank Street Park – Bids were received on August 2nd. Based on the bids received the recommendation would be to award the low bidder of just the base bid portion of the contract to A. Folino Construction in the amount of \$77,775.00 or to Swede Construction Corp. if the Borough were to award both the base bid and add alternate for a total amount of \$151,850.00.

M-6 Mrs. DePuy moved, seconded by Mr. Lahr to award the base bid to A. Folino Construction in the amount of \$77,775.00. The motion carried unanimously.

- June 20th Storm Event – Gateway reviewed a backwater valve request and flooding history for 5143 South Passage and recommend its installation.

M-7 Mr. Lahr moved, seconded by Mr. Wotus to approve a backwater valve at 5143 South Passage subject to the Engineer's recommendation. The motion carried unanimously.

MANAGER:

Mr. Leventry reported on the following items; members of Council received written copies of the Manager's report.

- Grant Application – As mentioned in the Engineer's Report, Item 2, the Borough is required to adopt a storm water ordinance in accordance with Act 167 by the end of the year. Scott Dellett is working with Gateway on this project. The County is offering a grant of up to \$2,000 to help in the planning process. Scott Dellett will be submitting an application on behalf of the Borough.
- M-8 Mr. McKown moved, seconded by Mr. Lahr to authorize the grant application. The motion carried unanimously.
- The Borough's first MS4 (Municipal Separate Storm Sewer System) audit will take place on August 23rd.
 - Phone Service Change – The Borough's contract for landline phone service is expiring shortly. There have been some instances in the recent past that has caused Chief Henderson and Mr. Leventry to consider options. Comcast has submitted a very attractive proposal, and they are currently trying to work out the details.
 - DQL Project – Ms. Wertz and Mr. Leventry recently met with representatives from Duquesne Light about an upcoming project. They will be replacing roughly 170 existing poles with new ones. The Prospect Park area will be affected.
 - Solid Waste and Recycling Bids – Mr. Leventry recalculated the numbers and found significant savings if the Borough opts for manual recycle pickup. It is still cheaper to go automated for trash pickup. Those streets in the Borough that cannot go automated for trash collection will remain manual pickup.
- M-9 Mrs. DePuy moved, seconded by Mr. Lahr to enter into a 5-year contract with Waste Management for automated collection of solid waste and manual collection of recycling. The motion carried unanimously.

ASSISTANT MANAGER

No report.

LIBRARY

Mr. Veith introduced Tara Abbott of the Library Board to give a report.

PLANNING & ZONING:

Mr. Rocco Magrino, PVE, LLC gave a presentation on the proposed land development at 1600 Skyline Drive (Whitehall Place Apartments).

M-10 Mr. Lahr moved, seconded by Mr. McKown to grant approval of the 2018-SLD-04 Whitehall Place Commercial Land Development application subject to the following conditions:

1. Borough Engineer's Review Letters – The applicant shall address all outstanding issues referenced in the Borough Engineer's review letters dated July 12, 2018 and August 3, 2018, in a manner acceptable to the Borough Engineer. Any additional issues raised by the Borough Engineer shall be resolved to the satisfaction of the Borough Engineer.
2. Borough Director of Planning, Zoning and Code Enforcement Review Memorandum – The applicant shall address all outstanding issues referenced in the Borough Director of Planning, Zoning and Code Enforcement's memorandum dated August 3, 2018, in a manner acceptable to the Director of Planning, Zoning and Code Enforcement ("Director"). Any additional issues raised by the Director shall be resolved to the satisfaction of the Director.
3. Development Agreement – The applicant shall execute a development agreement in a form acceptable to the Borough Solicitor, Borough Manager and Borough Engineer.
4. Financial Security – The applicant shall provide financial security for the development in a manner acceptable to the Borough Engineer in accordance with the Pennsylvania Municipalities Planning Code.
5. Stormwater Management Agreement – The applicant shall execute the Borough's Stormwater Management in a form acceptable to the Borough Engineer (Chapter 153 of the Borough Code of Ordinances, Stormwater Management 153.35).
6. Compliance with Sign Regulations – The applicant shall apply for and receive approval for signage. The signage shall comply with all regulations in Section 180.75 of the Chapter 180 of the Borough Code of Ordinances, Zoning (180.75).
7. Review Fees – The applicant shall agree to pay all professional fees of the Borough in connection with this application and approval.

Mr. Grant Shiring, PVE, LLC gave a presentation on the proposed subdivision and land development application at Hamilton Road (former Sisters of Saint Francis Property).

Council has requested the street in the proposed development be named Providence Way in honor of the Sisters of Saint Francis. The developers had no objections.

M-11 Mr. McKown moved, seconded by Mr. Wotus to grant a waiver of Section 157.9.10 (Sidewalks) of Chapter 157 of the Borough Code of Ordinances, Subdivision of Land, regarding the requirement of installing a sidewalk along Hamilton Road, subject to the condition the applicant contribute a fee-in-lieu in the amount of \$48,000.00, pursuant to the Borough Engineer's review letter dated August 6, 2018.

M-12 Mr. Lahr moved, seconded by Mr. McKown to grant approval of the 2018-SLD-03 Grove Pointe Residential Land Development application subject to the following conditions:

1. Borough Engineer's Review Letters – The applicant shall address all outstanding issues referenced in the Borough Engineer's review letters dated June 8, 2018, July 6, 2018, August 3, 2018 and August 15, 2018, in a manner acceptable to the Borough Engineer. Any additional issues raised by the Borough Engineer shall be resolved to the satisfaction of the Borough Engineer.
2. Borough Director of Planning, Zoning and Code Enforcement Review Memorandum – The applicant shall address all outstanding issues referenced in the Borough Director of Planning, Zoning and Code Enforcement's memorandum dated June 8, 2018, July 6, 2018 and August 3, 2018, in a manner acceptable to the Director of Planning, Zoning and Code Enforcement ("Director"). Any additional issues raised by the Director shall be resolved to the satisfaction of the Director.
3. Development Agreement – The applicant shall execute a development agreement in a form acceptable to the Borough Solicitor, Borough Manager and Borough Engineer.
4. Financial Security – The applicant shall provide financial security for the development in a manner acceptable to the Borough Engineer in accordance with the Pennsylvania Municipalities Planning Code.
5. Stormwater Management Agreement – The applicant shall execute the Borough's Stormwater Management in a form acceptable to the Borough Engineer (Chapter 153 of the Borough Code of Ordinances, Stormwater Management 153.35).
6. Planning Module – The applicant shall obtain approval of a Planning Module from the State Department of Environmental Protection before the issuance of any permits for the development.
7. Compliance with Sign Regulations – The applicant shall apply for and receive approval for signage. The signage shall comply with all regulations in Section 180.75 of the Chapter 180 of the Borough Code of Ordinances, Zoning (180.75).
8. Review Fees – The applicant shall agree to pay all professional fees of the Borough in connection with this application and approval.

PUBLIC WORKS:

No report.

PUBLIC SAFETY:

Mr. McKown stated that the Chief reports that Officer Braden Seese has fulfilled his one-year probation as of today. The Chief reports that Officer Seese has completed all necessary training and has been satisfactorily performing his duties as a patrol officer.

M-13 Mr. McKown moved, seconded by Mr. Lahr to retain Officer Seese as a Patrolman. The motion carried unanimously.

Mr. McKown stated that Officer Bradford and K9 Finn began the K9 Academy this Monday.

Mr. McKown stated that the Chief reports that on August 11th Sergeants Hinkle and Budd attended training at the Pennsylvania Game Commission Headquarters in Ligonier. They are now certified Hunter Safety Instructors so they may carry on the Department's tradition of teaching Hunter Trapper Education that began here in 1995.

Chief Henderson stated that the 1st Annual Emergency Services Softball Game between the Police Department and Fire/EMS will be on August 25th at 5 PM at Baldwin High School. Proceeds benefit the PA Special Olympics.

Mayor Nowalk stated that he received a letter from a resident on Roberta Drive. The residents dropped off treats to the Police Department.

Mayor Nowalk stated that he received a letter from a resident thanking Dispatcher Jessica Morgan and Officers for helping her son get the help he needed.

RECREATION:

Mr. Wotus provided Council with fliers for Community Day and the "Run the Hall" 5K Race.

ADMINISTRATIVE SERVICES:

Mrs. DePuy stated that the Administrative Services Committee is gathering sample employee evaluations. The Committee will meet in the next two weeks.

Mrs. DePuy stated that the Parks Committee held a Master Plan Kickoff Meeting prior to the Council meeting. It will take approximately 6 months to assemble.

NEW BUSINESS:

None.

ADJORNMENT:

M-14 Mr. McKown, seconded by Mr. Lahr to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 10:40 PM.

READ AND APPROVED THIS DAY OF SEPTEMBER 5, 2018:

Manager

