

**BOROUGH OF WHITEHALL**  
**Notice of Meeting**  
**May 20, 2020**  
**7:00 PM**

The Council of the Borough of Whitehall will meet Wednesday, May 20, 2019, at 7:00 PM, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

**AGENDA FOR REGULAR MEETING**  
**May 20, 2020**

- I. Call to Order
- II. Pledge of Allegiance
- III. 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
- IV. Roll Call
- V. Consideration of Bills and Payroll – Veith
- VI. Consideration of the Minutes of April 15, 2020
- VII. Citizens' Requests
- VIII. Reports of the Following Officers:
  - A. Mayor - Nowalk
  - B. Solicitor - Firman
  - C. Engineer – Rusmiser
  - D. Manager – Leventry
  - E. Assistant Manager – Wertz
- IX. Reports of the Following Committees:
  - A. Recreation – DePuy, Veith, Book
  - B. Administrative Services – Veith, McKown, Wotus
  - C. Library – Lahr, Book, McKown
  - D. Planning & Zoning – Wotus, Veith, DePuy
  - E. Public Works – Book, Lahr, DePuy
  - F. Public Safety – McKown, Lahr, Wotus
- X. New Business
- XI. Adjournment

BOROUGH OF WHITEHALL

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MINUTES OF THE MAY 20, 2020 COUNCIL MEETING

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## BOROUGH OF WHITEHALL

Regular Meeting May 20, 2020

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, May 20 2020, at 7:00 PM, for a regular meeting. President Nagy called the meeting to order, followed by the Pledge of Allegiance.

President Nagy announced that all meetings will be recorded auditorily.

ROLL CALL:

Present: Linda J. Book  
Kathleen N. DePuy  
Philip J. Lahr  
Robert J. McKown  
Glenn P. Nagy  
William J. Veith  
John A. Wotus  
James F. Nowalk, Mayor  
Irving S. Firman, Solicitor  
Scott Rusmisl, 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

CONSIDERATION OF BILLS & PAYROLL

- M-1 Mr. Veith moved, seconded by Ms. Book, that the bills contained on the bill list presented to Council on May 20, 2020 for \$216,653.99 from the General Fund, \$1,613.00 from the Storm Sewer Fund, \$724,123.27 from the Sanitary Sewer Fund, \$1,870.25 from the Doverdell Drive Storm Sewer Fund and \$149,002.89 from the Capital Projects Fund approved. The motion carried unanimously.
- M-2 Mr. Veith moved, seconded by Ms. Book, that checks and transfers for \$123,343.17 from the General Fund, \$34,087.60 from the Storm Sewer Fund, \$48,073.60 from the Sanitary Sewer Fund, \$165.00 from the Doverdell Drive Storm Sewer Fund, \$6,236.37 from the Capital Projects Fund, \$199,937.00 from the Liquid Fuels Fund and \$92,606.31 from the Payroll Fund be ratified. The motion carried unanimously.
- M-3 Mr. Veith moved, seconded by Ms. Book, that General Fund payroll for the period ending April 24, 2020 for \$141,470.02 as presented to Council on May 20, 2020, be ratified. The motion carried unanimously.

- M-4 Mr. Veith moved, seconded by Mr. Lahr, that General Fund payroll for the period ending May 8, 2020 for \$130,994.32 as presented to Council on May 20, 2020, be ratified. The motion carried unanimously.

#### CONSIDERATION OF MINUTES

Mrs. DePuy asked for clarification of the decision regarding the monthly meetings of Council on page 9. She thought that Council had decided to have one meeting in May but return to two meetings in June. Ms. Book stated that she was also under that same impression. Mr. McKown stated that the decision should be made month to month now that Allegheny County has entered the Yellow Phase.

- M-5 Ms. Book moved, seconded by Mrs. DePuy to hold Council Meetings twice a month starting in June. On a roll call vote Ms. Book, Mrs. DePuy, Mr. Lahr, and Mr. McKown voted yes. Mr. Nagy, Mr. Veith and Mr. Wotus dissented. The vote carried 4-3. Council will resume meeting twice a month starting in June.
- M-6 Mr. McKown moved, seconded by Mr. Veith to approve the Minutes of the April 15, 2020 Council Meeting as presented. The motion carried unanimously.

#### CITIZENS' REQUESTS:

Mary Scherer, 4837 Roberta Drive, appeared before Council with concerns about recreational fires. She wants her neighbors to burn gas, not wood fires. Mr. Nagy stated that there is an inherent danger with propane tanks. Mr. Lahr stated that currently Allegheny County is requesting residents to voluntarily abstain from burning during COVID-19. Mr. Lahr would like Council to review the Borough's Ordinance regarding recreational fires and refine it. Mr. Nagy stated that the Borough's Ordinance is tight. Mr. Nagy stated that this is the only complaint Council has received in a Borough of 15,000 residents. More residents are burning right now as there is not much else they are allowed to do. Ms. Scherer's issue with her neighbors is a police matter. Chief Henderson stated that Whitehall Police Department has responded to all 11 calls Ms. Scherer has made and every time the fire(s) in question were found to be legal burns. The Fire Chief has also been onsite for some of the calls and also found no violations. If an illegal burn is found, officers give residents the opportunity to put it out. Residents can go to the Magistrate if they wish to pursue a citation and the Judge will decide.

Mr. Wotus stated that the Planning & Zoning Committee can take a look at the Ordinance. Mr. Nagy stated the Ordinance is tight but the committee can look at it again. Police will continue to respond to any calls made to the Department. It is an unfortunate situation between neighbors but the Borough has not received any other complaints. The majority of residents are in favor of the existing Open Fires Ordinance.

Peggy Wallace, 4921 Baptist Road, appeared before Council regarding flooding in her back yard after the latest heavy rain. She has debris in her yard that she wants the Borough to clean up. The Borough does not clean up private property.

Ms. Wallace claims the sewer systems are not working. Mr. Rusmisl disputed that claim- the storm system worked as designed. The culvert in the Baldwin Manor Park clogged due to metal bars the Park Association requested be placed there. The culvert is checked weekly by Public Works.

Ms. Wallace does not think she is responsible for cleaning up her property. Ms. Wallace equates paying the stormwater fee with entitling her to having the Borough clean up her private property.

Mr. Nagy stated the Baldwin Manor Park Association requested the crossbars on the culvert. A consequence of that decision is that the bars catch debris in the pipe and it can clog.

Mr. Firman stated that the stormwater fee is irrelevant to the issue as a rain event is not a defect in the system. Water is the common enemy. Debris can accumulate during storms.

Mr. McKown stated Ms. Wallace's issue is with the Baldwin Manor Park Association, not the Borough.

Mr. Nagy stated that the sewer system meets all legal standards. The Borough is not responsible for cleaning private property, residents must maintain their own properties. He suggested working with the Mayor and the Park Association.

MAYOR:

The Borough reported 2.84 percent of the calls to animal control services in April.

Mayor Nowalk presented his report for April 2020:

EMS Assists .....	112
Court/Hearings/Pretrial . . . . .	0
Accidents . . . . .	6
Criminal Arrests (1 DUI) . . . . .	15
Traffic Stops . . . . .	12
Traffic Details . . . . .	11
Written Traffic Citations. . . . .	6
Written Warnings Traffic Violations. . . . .	3

Total amount of money collected and turned over to the Borough during April 2020, amounted to \$5,108.65 the breakdown is as follows:

MVC from District Magistrate .....	\$1,231.35
Crimes Code and Code violations from District Magistrate .....	\$883.41
Parking Fines .....	\$310.00
Copies .....	\$255.00
Fines from Clerk of Courts .....	\$2,428.89

Mayor Nowalk reported on the following items:

- Mayor Nowalk stated that the Chief reports all officers completed yearly qualifications at Steel River Range from May 4<sup>th</sup> to May 7<sup>th</sup>. Officers qualified with handguns, long rifles and shotguns as well as non-lethal rounds.
- Mayor Nowalk stated that the Chief would like to remind residents that it is birthing season for whitetail deer. Reports of abandoned fawns have increased over the last week. It is important for residents to understand that mother deer will leave their newborn fawns unattended for hours if not an entire day, while they forage for food so they can return later to feed the newborn. Police urge residents to leave the fawns alone so parents can find their newborns where they left them.
- Mayor Nowalk stated that a resident contacted him suggesting that Caste Village allow businesses to offer outdoor seating in the parking lot. This is not a Borough decision to make. Mayor Nowalk will reach out to Caste Village with the suggestion. Mr. Wotus stated that the City of Pittsburgh is looking to shut down streets to allow for outdoor dining.
- Mayor Nowalk stated that he received a card from a resident on Roberta Drive thanking the Borough for all that they do.
- Mayor Nowalk expressed his thanks to Council for their support after the recent passing of his mother.

SOLICITOR:

Mr. Firman requested an executive session after the meeting for personnel and litigation matters.

ENGINEER:

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

- Operations & Maintenance – Bids for the 2020 Excavation Repairs, Spot Lining Repairs and Manhole to Manhole Lining Repairs have been prepared. Bids will be received on May 28<sup>th</sup> for all three contracts with a potential award at the June 3, 2020 Council Meeting.
- 2020 Road Program – On April 9, 2020, seven (7) bids were received for the 2020 Road Program. Independent Enterprises, Inc. was the low bidder for all combinations of Base Bid and Alternative Bids. The bids remain subject to acceptance for 60 days which is June 8, 2020. Mr. Rusmisl and Mr. Harris put together a short list of streets to pave if Council elects to reduce the scope of the road program. Gateway Engineers will also waive their fee for a reduced 2020 Road Program.

Mr. McKown stated that he is skeptical to spend \$200,000 on the reduced Road Program as the Borough is unsure of what revenues for 2020 will be. He stated the Borough should buckle down and not spend any money that they don't have too.

Mr. Veith stated that revenues are projected to be down 4-16% for municipalities in Allegheny County per an article Mr. Leventry recently sent out.

Mrs. DePuy stated that Whitehall Borough is much better off than other municipalities. The article Mr. Leventry sent to Council focused on business taxes and amusement taxes which Whitehall Borough does not rely on. There is a fund balance to cover bad years.

Mr. McKown stated that \$2 million is needed in the 1<sup>st</sup> quarter of the year to pay Borough bills. The Borough is in a good position now but have no idea what the loss of tax revenue will be.

Mrs. DePuy stated that she appreciated Gateway's offer to not spend the Borough's money. She would like to wait until the June 3<sup>rd</sup> Council Meeting to vote.

Mr. McKown stated that the 2020 Borough Budget has a deficit of \$1.2 million. The Borough might not be able to afford a road program. The conditions of the roads in Whitehall are good. Missing one year will not harm the program.

Mrs. DePuy stated she would rather do the road program this year and skip next year's program.

Mr. Wotus stated that its not just Earned Income Tax Revenue that will be down. The RAD tax and Liquid Fuel Revenue will all be down for 2020.

Mr. McKown stated that Earned Income Tax Revenue is half of the Borough's revenue stream.

Mr. Nagy stated that most Whitehall residents own their own home and are established professionally. He is unsure if the Earned Income Tax Revenue will be affected as much as other communities.

Mr. McKown stated that Borough Council does not know how many residents are currently out of work so they should not be spending money.

Mr. Nagy stated that Whitehall Borough's worst roads are still better than other communities' best roads.

Mr. McKown stated that Council should be conservative in regards to spending. The bid specifications that Gateway put together can be re-run next year with new dates.

Mrs. DePuy would like to see some roads paved but not all of them.

Mr. Nagy stated that the rainy-day fund is for a "pouring" event such as this.

M-7 Mr. McKown moved, seconded by Ms. Book to table the issue of the Road Program until the June 3<sup>rd</sup> Council Meeting. The motion carried unanimously.

- Planning & Zoning – Penn Cove Real Estate, the developer for the Grove Pointe development, requested a partial release of the Letter of Credit for work completed to date. Gateway recommends that the current letter of credit be reduced by \$312,321.71 from \$774,682.82 to \$462,361.11.

M-8 Mr. Wotus moved, seconded by Mr. Veith to reduce the letter of credit to \$462,361.11. The motion carried unanimously.

- Frank Street Park Phase II – The Phase II portion of the Frank Park has been under construction by Plavchak Construction Co., Inc. since the beginning of October. The contractor has performed punchlist items and only minor items remain prior to the project closeout.

M-9 Mr. Lahr moved, seconded by Mrs. DePuy to approve Payment Application No. 3 in the amount of \$27,607.90 for the Frank Park Renovation Project – Phase II Contract to Plavchak Construction, Co., Inc. The motion carried unanimously.

- Salt Storage – The building contractor completed the roof structure this week. Paving and restoration work will still need to be completed. The only work left to complete is electrical work and paving.

M-10 Mr. Lahr moved, seconded by Mr. Wotus to approve Payment Application No. 5 in the amount of \$43,914.70 to Plavchak Construction. The motion carried unanimously.

MANAGER:

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

- Salt Contract Extension – SHACOG has secured an extension of the 2019/20 salt contract to December 31, 2020. This means that as long as the Borough purchases their remaining quantities by that date, Cargill will not charge a storage fee. This does not mean that Cargill has decided about an option year for 2020/21. Council will need to authorize the Council President and Manager to execute the extension.
- M-11 Mr. McKown moved, seconded by Mr. Lahr to authorize Council President and Borough Manager to execute the extension. The motion carried unanimously.
- Police Interviews – As you know, the Police Department has been looking to hire officers but has been delayed by the pandemic. Mr. Nagy asked that Council consider having the Public Safety Committee conduct the interviews, utilizing social distancing practices, and make a recommendation to Council. If acceptable, Chief Henderson will schedule the interviews.

Mr. McKown inquired about the ability to train new officers as that requires two individuals in a car.

Chief Henderson advised against hiring at this time as field training is not possible in the Yellow Phase. He suggested waiting until Green Phase to hire new officers but is okay with scheduling interviews.

The Department is short officers now but can manage with Overtime. Another officer is retiring at the end of July and staffing can be addressed in the Fall. Chief Henderson cannot put two officers in a car right now, making training impossible. The court system is currently backed up 3 months – Chief Henderson foresees paying court overtime when they reopen. Scheduling court time will be difficult when courts reopen. It would be unsafe to put a new officer into the training program right now. Chief Henderson suggested interviewing with a conditional offer of employment.

Mr. Leventy inquired what the Department will do if there is a spike of cases in the Fall. That is unknown.

The interviews will be postponed and reassessed at a later time.

- Recreation Board Vacancies – Recreation Director Hannah Vetere has been actively trying to recruit volunteers to fill the three vacancies. As a result, Mr. Leventy has received interested from three potential candidates. They have been informed that once the Board resumes meetings, they can attend to make sure it is something they remain interested in. All are agreeable to this.
- Yellow – As of May 15<sup>th</sup>, Allegheny County moved to the Yellow Phase for reopening. What that means to Whitehall is, in a nutshell, not much. It mostly affects commercial establishments. Mr. Harris, with the already secured approval of the union, plans to bring the full Public Works crew back starting the week of May 25<sup>th</sup> utilizing social distancing and sanitation procedures. Council has been given the state guidance on recreation activities, and the Borough will follow that guidance. In fact, the County called to make sure the Borough knew that public pools are not permitted under Yellow. Mr. Leventy stated that opening the pool past June would be a financial disaster for the Borough. Even in the Green Phase, there would still be restrictions.

Mr. Nagy stated the biggest issues would be the locker rooms and bathrooms.

ASSISTANT MANAGER:

No report.

RECREATION:

Mrs. DePuy stated that she received requests from residents to have the lights at the tennis courts turned on in June. Council was agreeable to that request.

Mr. Leventy stated that residents have taken down the blocks on the basketball hoops twice now.

Mr. Leventy stated that he is not sure if the Farmers Market will happen this year as Ms. Vetere has been unable to get confirmation from the Church.

ADMINISTRATIVE SERVICES:

Mr. Veith stated that the meeting with the Fire Company will be June 8<sup>th</sup> or 9<sup>th</sup>. This meeting is to discuss their request to move to County 911. Mr. McKown would like to limit the attendees on both sides to three people each.

Chief Henderson stated that he met with members of the Fire Company tonight and they had five members.

Mayor Nowalk stated that there are ongoing communications regarding dispatching issues. Chief Henderson stated that three months ago the Police Department started meeting with them once a month to discuss any issues they had.

Mr. McKown stated that this meeting was requested by the Fire Company and had to be rescheduled due to COVID-19. Mr. Veith stated the Council members attending the meeting are there to hear what the Fire Company has to say.

#### LIBRARY:

Mr. Lahr gave a report from Helen Dubina.

#### PLANNING & ZONING:

Mr. Wotus stated that the Planning & Zoning Committee met on Monday to review the Mayor's veto of Ordinance No. 1127. Too much time has passed for Council to consider an override, the process must begin again.

M-12 Mr. Wotus moved, seconded by Mr. McKown to send the Ordinance to the Planning & Zoning Committee and to have Mr. Dellett re-schedule a public hearing. The motion carried unanimously.

Mr. Wotus reviewed several issues currently before the Zoning Hearing Board.

Mr. Dellett addressed two memos he previously sent to Council regarding the Grove Pointe development.

The first memo is in reference to 2020-SLD-03 Grove Pointe Second Amendment. Staff requests Council consider a motion to act on the above-referenced subdivision plan application. The application requests subdivision plan approval for a lot-line revision to add eight (8) feet in width along the rear yard of six parcels on Lot 14 from an adjacent open space area. The parcels, located at 127-137 Providence Way, are located in Residence District R-7. At its May 13, 2020 meeting, the Planning Commission recommended conditional approval of the application. The recommendation letter from the Planning Commission was included with the memo sent to Council.

M-13 Mr. Wotus moved, seconded by Mr. Lahr to approve 2020-SLD-03 Grove Pointe Second Amendment subdivision plan 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 March 24, 2020 and May 5, 2020, 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 – The applicant shall address all outstanding issues referenced in the Borough Director of Planning, Zoning and Code Enforcement's memorandum dated May 8, 2020, in a manner acceptable to the Borough 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. Review Fees – The applicant shall agree to pay all professional review fees of the Borough in connection with this application and approval.

The motion carried unanimously.

The second memo is in reference to 2020-SLD-04 Grove Pointe Third Amendment. Staff requests Council consider a motion to act on the above-referenced subdivision plan application. The application requests subdivision plan approval for a lot-line revision to add eight (8) feet in width along the rear yard of six parcels on Lot 15 from an adjacent open space area. The parcels, located at 139-149 Providence Way, are located in Residence District R-7. At its May 13, 2020 meeting, the Planning Commission recommended conditional approval of the application. The recommendation letter from the Planning Commission was included with the memo sent to Council.

M-14 Mr. Wotus moved, seconded by Mr. Lahr to approve 2020-SLD-04 Grove Pointe Third Amendment subdivision plan 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 March 24, 2020 and May 5, 2020, 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 – The applicant shall address all outstanding issues referenced in the Borough Director of Planning, Zoning and Code Enforcement's memorandum dated May 8, 2020, in a manner acceptable to the Borough 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. Review Fees – The applicant shall agree to pay all professional review fees of the Borough in connection with this application and approval.

The motion carried unanimously.

PUBLIC WORKS:

Ms. Book stated that the Military Banners are being put up by Public Works.

PUBLIC SAFETY:

Mr. McKown stated that the Chief reports that last week Deputy Chief Gagorik worked in cooperation with CODY Systems to develop an on-line training program for new CODY System Administrators across the country. Whitehall Borough was recognized for our ability to transition from one system to another. The transition plan was developed by Deputy Chief Gagorik working closely with the CODY Project Manager.

Mr. McKown discussed some issues over at MRTSA. The organization will most likely need more contributions after this year. It is estimated to take \$1.2-1.5 million to get the infrastructure up to par. The municipal share costs will increase in the future to cover these costs.

Mr. McKown asked for an executive session to discuss a personnel matter.

Mr. Veith inquired if the Borough has seen any increase in crime since the stay-at-home order went into effect. Chief Henderson stated that domestic calls have increased. Business owners and residents are complying with stay-at-home orders. They have been very generous to the Borough with supplies.

Mr. McKown stated that neighborhoods are coming together.

Chief Henderson stated that the Department has received numerous requests for parades and while they cannot participate in all of them, officers will drive by if available.

NEW BUSINESS:

Mayor Nowalk stated that Ralph Grabowsky wants Duquesne Light to fix electrical issues in his area. Mr. McKown stated that Duquesne Light is replacing a trunk line in the area. Duquesne Light is installing new electrical poles while phone and cable lines remain on the old poles. Chief Henderson stated that there are over 90 "double poles" in the Borough.

Mr. Leventry stated that the recent Hard to Dispose Day went well.

Mr. Leventry stated that resident concerns are being addressed and remote work is working well. He looks to keep the staff working remotely until Green Phase.

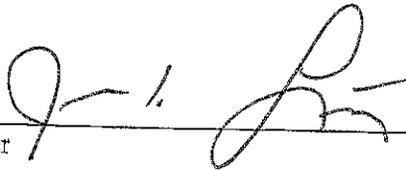
Ms. Book stated that Monday is Memorial Day and this year's celebration will be virtual.

ADJORNMENT:

M-15 Ms. Book moved, seconded by Mr. Wotus to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:57 PM.

READ AND APPROVED THIS DAY OF JUNE 3, 2020:

  
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Manager