

BOROUGH OF WHITEHALL
 Notice of Meeting
 June 3, 2020
 7:00 PM

The Council of the Borough of Whitehall will meet Wednesday, June 3, 2019, at 7:00 PM, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

AGENDA FOR REGULAR MEETING
 June 3, 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 May 20, 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. Public Safety - McKown, Lahr, Wotus
 - B. Recreation - DePuy, Veith, Book
 - C. Administrative Services - Veith, McKown, Wotus
 - D. Library - Lahr, Book, McKown
 - E. Planning & Zoning - Wotus, Veith, DePuy
 - F. Public Works - Book, Lahr, DePuy
- X. New Business
- XI. Adjournment

BOROUGH OF WHITEHALL

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BOROUGH OF WHITEHALL

Regular Meeting June 3, 2020

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, June 3, 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 Rusmiser, Engineer

STAFF: James E. Leventry, Manager
Courtney M. Wertz, Assistant Manager
Keith P. Henderson, Chief of Police
Hannah Vetere, Recreation Director

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 June 3, 2020 for \$71,243.50 from the General Fund, \$24,656.95 from the Storm Sewer Fund, \$557.22 from the Sanitary Sewer Fund, \$27,607.90 from the Capital Projects Fund and \$43,914.70 from the Liquid Fuels Fund be approved. The motion carried unanimously.
- M-2 Mr. Veith moved, seconded by Mr. McKown, that checks and transfers for \$5,523.79 from the General Fund and \$45,425.14 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 May 22, 2020 for \$134,442.52 as presented to Council on June 3, 2020, be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES

M-4 Mr. Lahr moved, seconded by Ms. Book to approve the Minutes of the May 20, 2020 Council Meeting as presented. The motion carried unanimously.

CITIZENS' REQUESTS:

Residents wishing to speak at tonight's meeting phoned in via conference call. Mr. Nagy explained that there is not enough space in the meeting room to accommodate all the residents wishing to speak while still practicing social distancing. Under advisement of the Solicitor the room must be open to all residents, or no residents, which is why the conference call was set up.

Walt Schran, 343 Maxwell Drive, appeared before Council in favor of opening the pool for the health and recreation of Whitehall residents. He feels comfortable being in the pool. It is an asset to the community.

Donna McCrea, 305 Southvue Drive, appeared before Council to advocate for the opening of the swimming pool. There is no where else a senior citizen can do an activity for \$10 a season. She does not see any obstacles to opening the pool. Kids need a safe place to go when parents go back to work in the Green Phase.

David Spencer, 1061 Augusta Way, appeared before Council to advocate for the opening of the swimming pool. He stated Council should vote to open the pool then solve the problems that arise.

Cheryl Hirsch, 4898 Leona Drive, appeared before Council to discuss the pool. She is the water aerobics instructor and is sad that classes had to be cancelled. She stated the kids in the Borough need swim lessons.

Michael Hurley, 4515 Gardenville Road, appeared before Council asking for clarification on his application to open a Doggy Day Care. Mr. Firman explained that this is a zoning matter and as such it is required to be advertised, the Ordinance must be reviewed by the Borough Planning Commission and County Planning Commission and a public hearing must be held. A hearing has been scheduled for August and Council cannot act on the matter until that time. Mr. Hurley was instructed to contact Mr. Dellett for the exact date.

Charles Vargo, 5069 Carlyn Drive, appeared before Council to speak on the pool. It is an asset of the community. Residents pay a significant amount of wage tax for amenities. Mr. Vargo stated the Borough should come up with a plan to reopen the pool as soon as possible following the templates of other communities.

Donna (inaudible) appeared before Council to speak on the pool. She is a nurse and can donate hand sanitizer. She inquired about the number of residents allowed at the pool. Mr. Nagy stated that the County has not provided guidelines on that yet.

Kristin Malock, 285 Maxwell Drive, appeared before Council with her husband Brian to state that kids need a place to go this summer and the pool can be opened safely. The Pool Manager is great. She asked Council to think about the kids and families in the community.

Tom Gannon, 5363 Spring Valley Drive, appeared before Council to speak on the pool. He stated sun and chlorine kill viruses and the residents should have a choice to go to the pool or not. Those that don't want to go don't have to go.

Greg Goga, 229 Ranger Drive, appeared before Council, to speak on the pool. His family are frequent users of the pool. The Borough pool is a country club quality pool in a beautiful complex.

Regan Konesky, 1288 Girard Road, appeared before Council to speak on the pool. She wants the pool to open because her daughter works at the pool and enjoys it.

Joe Cornell, 1210 Pleasantvue Drive, appeared before Council on behalf of the BWAA to inquire about park permits for baseball in the Green Phase. That will be discussed later in the meeting.

MAYOR:

Mayor Nowalk presented his report for May 2020:

EMS Assists.....	113
Court/Hearings/Pretrial	0
Accidents	10
Criminal Arrests (1 DUI)	18
Traffic Stops	29
Traffic Details	30
Written Traffic Citations.	15
Written Warnings Traffic Violations.	18

Total amount of money collected and turned over to the Borough during May 2020, amounted to \$1,224.46 the breakdown is as follows:

MVC from District Magistrate	\$244.41
Crimes Code and Code violations from District Magistrate	\$175.28
Parking Fines	\$35.00
Copies	\$105.00
Solicitor Permits	\$100.00
Fines from Clerk of Courts	\$564.77

Mayor Nowalk reported on the following items:

- Mayor Nowalk stated that the Chief reports that the Allegheny County Municipal Courts have re-opened with restrictions. The Chief met with representatives of the District Attorney’s Office and court administrators to discuss the logistical and financial impacts re-opening will put on municipalities. Staggered court times and video conferences are being considered to alleviate court case back-logs.
- Mayor Nowalk stated that the Chief reports that today a demonstration was held at Southland Shopping Center in Pleasant Hills, in response to recent events in the news. The demonstration was a peaceful one and the crowd of 225 dispersed within 2 hours without a major incident. Five Whitehall Officers and K9 along with approximately 100 officers from various departments were dispatched to assist Pleasant Hills Police Department with traffic and crowd control.

Mayor Nowalk presented the report of the Whitehall Fire Company for March 4, 2020 to May 20, 2020:

Calls (Since Last Council Meeting)	87
Calls Year to Date (12/1/2019 to 5/19/2020).....	171

These calls included:

- 6 Structure Fires, 4 Cooking Fires, 4 Fire In a Structure, 1 Vehicle Fire, 1 Dumpster Fire, 1 Grill Fire
- 26 Hazardous Conditions (No Fire)
- 9 Vehicle Accident
- 6 Good Intent Calls
- 23 Alarm Activations
- 6 Severe Weather-Related Calls

Notable Calls:

Easter Sunday Apartment Fire. Whitehall assisted in fire suppression, search and rescue and overhaul. 13 occupants were rescued by ladder.
House Fire in Broughton, South Park.
Full Involved Garage Fire in Castle Shannon
Apartment Fire in Option, Baldwin.

Membership – 27 Firefighters

Although postponed, the 2020 Fund Drive is off to a great start at the three-week mark. The Whitehall Fire Company had taken a strong approach in preventing exposure to COVID-19, including: cancelling all non-essential meetings and drills; limiting access to the fire stations; making available for all members PPE, such as gloves and masks; and decontaminating equipment and vehicles after calls.

Apparatus, Stations and Equipment – No Report.

SOLICITOR:

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

ENGINEER:

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

- Doverdell Drive Watershed Project – Merante's landscaper re-scheduled the remaining restoration to May 30th.
- Operations & Maintenance – Bids for the 2020 Excavation Repair Contract were received on May 28th. A total of five bids were received. Roto Rooter Services Company was the low bidder with a bid price of \$279,265.00.

M-5 Mr. McKown moved, seconded by Mr. Lahr to award the Whitehall Borough 2020 Sanitary Sewer Repair Contract to Roto Rooter Service Company with a bid amount of \$279,265.00. The motion carried unanimously.

- Operations & Maintenance – Bids for the 2020 Capital Lining Contract were received on May 28th. A total of four bids were received. Jet Jack, Inc. was the low bidder with a bid price of \$269,950.00

M-6 Mr. McKown moved, seconded by Mr. Lahr to award the Whitehall Borough 2020 Capital Lining Contract to Jet Jack, Inc. with a bid amount of \$269,950.00. The motion carried unanimously.

- Operations & Maintenance – Bids for the 2020 Sanitary Sewer Spot Lining Contract were received on May 28th. A total of three bids were received. State Pipe Services, Inc. was the low bidder with a bid price of \$43,940.00.

M-7 Mr. McKown moved, seconded by Mr. Wotus to award the Whitehall Borough 2020 Sanitary Sewer Spot Lining Contract to State Pipe Services, Inc. with a bid amount of \$43,940.00. The motion carried unanimously.

- Operations & Maintenance – Roto Rooter has re-started work for the 2019 Sanitary Sewer Excavation Repair Contract. They have approximately 1 repair remaining.

M-8 Mr. McKown moved, seconded by Mr. Wotus to approve Payment Application No. 5 in the amount of \$60,368.91 for the 2019 Sanitary Sewer Excavation Repair Contract to Roto Rooter Service Company. The motion carried unanimously.

- 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. Council must decide to accept or reject the bid.

Mr. McKown stated that Council should save the \$850,000.00 and postpone the Road Program to 2021.

Ms. Book stated that some roads cannot wait another year. She suggested rebidding a smaller road program for 2020.

Mr. Rusmiser stated that Gateway Engineers can rebid a smaller road program. A list of the 4 worst streets has been compiled. If Council elects to rebid a smaller program, Gateway will do it at no cost. The Borough will only have to pay advertising costs.

Mrs. DePuy stated that she wants to see some of the road program done this year.

M-9 Mr. McKown moved, seconded by Mr. Veith to reject the bids. On a roll call vote Ms. Book, Mr. Lahr, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. Mrs. DePuy dissented. The motion carried 6-1.

Mr. McKown stated that revenues for the 1st quarter are down a little. The Borough will see in the next two months if there is a decrease in revenue and will be able to better gauge the overall financial position. He suggested bidding a reduced road program of 4 roads for \$200,000.00.

Mr. Rusmisl stated that it would be possible to bid a reduced road program in July.

Mrs. DePuy stated that the Borough should bid a smaller program now and reject the bids in August if the Borough is not in the financial position to perform a road program.

Mr. McKown stated that \$200-300,000.00 will be needed to operate the pool if Council votes to open it so he suggested rejecting the \$850,000.00 for the road program.

M-10 Mrs. DePuy moved, seconded by Ms. Book to bid a reduced road program. Ms. Book, Mrs. DePuy, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. Mr. Lahr dissented. The motion carried 6-1.

- Salt Storage – Paving preparation work continued. Aggregate subbase and under drains were installed. Site grading has been completed. Mr. Rusmisl stated that 1 day of paving is left. He estimates the project will be completed before the next Council Meeting. The project will be on budget.
- Earlsdale Road – Contract documents are ready for bidding.

M-11 Mr. McKown moved, seconded by Mr. Wotus to bid the project. The motion carried unanimously.

Mayor Nowalk stated that the resident at the corner of E. Barlind and Seton is having an issue with sanitary sewer backups in their basement. Mr. Rusmisl stated that he is aware of the issue. There is a community lateral there and he has advised both residents to be on site on Monday for a meeting with Roto Rooter. The Borough will extend the sanitary sewer main.

MANAGER:

Mr. Leventry had no report.

Mayor Nowalk thanked Mr. Leventry for working with Code Enforcement to address an issue on Carlyn Drive where a resident was feeding animals, resulting in rats in the area.

The resident in question will be taken before the Magistrate once the courts open up.

Mr. McKown inquired about the status of 240 Streets Run Road. Mr. Leventry stated the Borough is waiting for courts to open up.

Mr. McKown inquired about an issue on Woodridge. Mr. Leventry stated that he received a call from a resident earlier today providing an exact address to look at.

Mr. Lahr stated that the resident that was once cited for having too many cats now has more. Mr. Leventry will instruct Mr. Zeoli to look into the matter.

ASSISTANT MANAGER:

No report.

PUBLIC SAFETY:

Chief Henderson requested that Council set up interviews for Police Officer now that Allegheny County is moving to the Green Phase. This will be addressed at the next Council Meeting.

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

RECREATION:

Mrs. DePuy motioned to open the pool. Ms. Book seconded the motion. With a motion on the floor, discussions and comments from elected officials followed:

Mr. McKown stated that there are a number of issues regarding the pool that need to be addressed including structural problems which could be worked on this year if the pool remains closed. If the structural issues are not fixed this year, the pool may have to close for an entire season in a year or two in order to perform the work. There may be time limits on pool usage, proof of residency will be required, cleaning must be performed at open and close and every 4 hours. Security is also a concern. The pool operates on a \$150,000 deficit annually in a normal year. It is over 50 years old and only band aids have been performed each year.

Mr. McKown stated that guidelines from Allegheny County Health Department are forthcoming. Council needs to see these guidelines before making an operations plan.

Mr. Wotus had concerns about the Borough's liability and how many people will be able to use the pool. A decision must be made for the entire community, not just a small group. What would the punishment be for not adhering to the new rules? He also has concerns about the finances of the Borough.

Mr. Veith stated that he thinks the pool should open and then Council can address issues down the road. The losses may not be as great this year. The pool would have to be restricted to Whitehall residents only – no Baldwin Township residents or guests.

Mr. Lahr stated that the children's pool cannot open at all. Ms. Book stated that is due to health and safety concerns. Mr. McKown stated that social distancing cannot happen in the children's pool.

Mayor Nowalk stated that the pool should open if standards can be met. The pool doesn't need to make money as it is a service to residents.

Mr. Lahr stated that the pool should not open due to COVID-19 as patrons would be at risk.

Mr. Nagy stated that if Council votes to open the pool the Borough will look smart in July and August while other pools closed. He cautions residents that pool operations are subject to change. If the County says "X" amount of people are allowed in the pool and a resident has a pool pass but is "X+1" they will not be allowed in. The Borough cannot refund or pro-rate pool passes. Currently, the Borough does not have a capacity number from the State or County. If 90 people are allowed including staff – that leaves room for roughly 80 people. Patron No. 81 will have to wait to enter the pool.

Mr. Nagy stated that the pool is a great amenity but with the expense to operate the pool and potential additional costs, Council has to be sensitive to that number and make sure it works. He stated that a 90-person capacity doesn't make sense and changes the dynamic.

The Borough will try its best to operate but there is no guarantee. Tonight's vote is occurring without information or guidelines from Allegheny County in order to expedite any potential opening process. Any opening will have constraints.

Mr. McKown stated that Council should take this year to save money or put money into a capital project at the pool. He will vote no on the current motion to open and would like to see the motion be amended to reference the Allegheny County guidelines and requirements, note that the Recreation Committee will develop an operational plan and to proceed with an inquiry to open the pool.

Mr. Wotus inquired who would answer all the questions raised this evening? Mr. Leventy stated that Staff will provide all current guidelines to Council and Council will have to vote to decide if/how the pool operates. Intensive discussion about logistics are needed either by the Recreation Committee or all of Council. Decision will not be made by Staff.

The Recreation Committee in conjunction with Borough Staff and the Pool Manager will discuss logistics.

Mrs. DePuy amended the motion on the floor as follows:

M-12 Mrs. DePuy motioned, seconded by Ms. Book to proceed with opening the swimming pool subject to CDC, State and forthcoming Allegheny County Health Department guidelines, contingent on an operational plan to be developed by the Recreation Committee and approved by Council. On a roll call vote Ms. Book, Mrs. DePuy, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. Mr. Lahr dissented. The motion carried 6-1.

Mayor Nowalk volunteered to assist with the logistics discussion.

Mr. Nagy stated that a decision regarding the park permits of the Baseball Associations must also be made. There are logistical issues to work out.

Mrs. DePuy stated that the Recreation Committee previously discussed this issue and they recommend allowing organizations to use the fields but keeping the restrooms locked due to cleaning concerns and liability.

Mr. Wotus is in favor of allowing groups to use the fields if they follow all guidelines.

Mr. Veith inquired about the Borough's liability if the organizations clean the restrooms.

Mr. Firman stated that the organizations have to follow all CDC and State guidelines to operate. The Borough could make the organizations responsible for cleaning facilities and revoke their permits if they fail to comply or the associations could pay for the cost to have Public Works clean the facilities. The Borough would need a signed release from the organizations to not hold the Borough liable.

Mrs. DePuy inquired if residents reserving the parks would have to follow the same process. Mr. Wotus suggested making the liability waiver part of the park permit.

Mayor Nowalk stated that the leagues should identify the persons responsible for cleaning the facilities. He suggested charging residents with a Park Permit a cleaning fee and having Public Works clean the facilities so it is consistent.

Mr. Nagy stated the Recreation Committee will determine an appropriate cleaning fee.

M-13 Mr. Veith moved, seconded by Mr. Wotus to allow sports organizations to use the fields contingent on the organization following all CDC, State and County guidelines of operation regarding social distancing and the cleaning/sanitizing of restroom facilities and concession stands. The Borough is preparing language for a waiver that the organization will need to sign to release the Borough of liability. If the organization is found to be violating any guidelines, their permits will be revoked. The motion carried unanimously.

Mr. McKown stated that all decisions are predicated on remaining Green. If the County reverts back to Yellow, these decisions will be null.

M-14 Mr. Veith moved, seconded by Ms. Book to permit residents to use the parks contingent on the Park Permit Holder following all CDC, State and County guidelines of operation regarding social distancing and the cleaning/sanitizing of restroom facilities and concession stands. The Borough is preparing language for a waiver that the organization will need to sign to release the Borough of liability. If the Permit Holder is found to be violating any guidelines, their permits will be revoked. The motion carried unanimously.

Mayor Nowalk stated that a sign should be placed at the restrooms where individuals can sign off that the facility has been cleaned.

Ms. Vetere presented Council with a recreation proposal for activities that can be done with social distancing. All activities would be paid for using the Summer Recreation Program budget as that program has been cancelled.

Activities include Yoga in the Park, Free Throw Contest, Chalk Drawing Contest, Movie in the Park and Concert in the Park.

The new Borough website will have a sign-up feature that will allow Ms. Vetere to limit the number of participants for each activity.

Mr. Wotus asked Ms. Vetere if she had given any thought to a virtual 5K since Community Day has been cancelled. Ms. Vetere will talk to her contacts at the Pittsburgh Marathon to put together some ideas.

M-15 Mr. McKown moved, seconded by Mr. Wotus to approve the new recreation plan and reallocate the necessary funds. The motion carried unanimously.

ADMINISTRATIVE SERVICES:

Mr. Veith stated that the meeting with the Fire Company will be June 8th. This meeting is to discuss their request to move to County 911.

LIBRARY:

Mr. McKown stated that the Library is working on a reopening plan.

PLANNING & ZONING:

Mr. Wotus stated that the Planning Commission will be meeting next week.

PUBLIC WORKS:

Ms. Book stated that Public Works is the backbone of the community and helped a lot the past few months.

NEW BUSINESS:

Mr. Wotus stated that National Night Out has been moved to October 6th.

Mr. Wotus inquired about a drone for the Police Department. Chief Henderson stated that SHACOG has a drone but has been told by the FAA that Whitehall Borough is too close to the County Airport to legally fly one here.

RECESS:

The meeting was recessed at 8:45 PM.

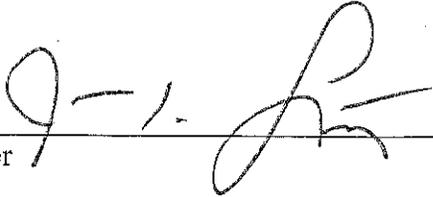
ADJORNMENT:

The meeting reconvened at 9:26 PM.

M-16 Mr. Veith moved, seconded by Ms. Book to adjourn the meeting in honor of former Council Member Rose Barone. The motion carried unanimously.

The meeting adjourned at 9:27 PM.

READ AND APPROVED THIS DAY OF JUNE 17, 2020:

Manager  _____