

**BOROUGH OF WHITEHALL**

**Notice of Meeting**

**July 1, 2020**

**7:00 PM**

The Council of the Borough of Whitehall will meet Wednesday, July 1, 2020, at 7:00 PM, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

**AGENDA FOR REGULAR MEETING**

**July 1, 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 June 17, 2020
- VII. Citizens' Requests - Call In  
United States: +1 (571) 317-3122  
Access Code: 731-968-237
- 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. Planning & Zoning -- Wotus, Veith, DePuy
  - B. Public Works -- Book, Lahr, DePuy
  - C. Public Safety -- McKown, Lahr, Wotus
  - D. Recreation -- DePuy, Veith, Book
  - E. Administrative Services -- Veith, McKown, Wotus
  - F. Library -- Lahr, Book, McKown
- X. New Business
- XI. Adjournment

BOROUGH OF WHITEHALL

INDEX  
MINUTES OF THE JULY 1, 2020 COUNCIL MEETING

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	Motion	Page
Bills, Payroll - Approve	M-1,2,3	1
June 17, 2020 Meeting Minutes – Approve	M-4	2
County 911 Decision – Delay 2 Weeks	M-5	5
Ordinance No. 1133	M-6,7	5-6
Ordinance No. 1134	M-8,9	6
Ordinance No. 1135	M-10,11	6
Payment to Roto Rooter Service – Authorize	M-12	7
Correct Deficiencies at Pool – Authorize	M-13	8
Adjournment	M-14	11

## BOROUGH OF WHITEHALL

Regular Meeting July 1, 2020

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, July 1, 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  
Jason C. Gagorik, Deputy Chief of Police

CONSIDERATION OF BILLS & PAYROLL

Mrs. DePuy inquired about the 2011 Note under Administrative Services. Mr. Leventry stated that it is the loan for the Fire Station. It will be paid off in about 10 years.

M-1 Mrs. DePuy moved, seconded by Ms. Book, that the bills contained on the bill list presented to Council on July 1, 2020 for \$74,222.78 from the General Fund, \$25,089.27 from the Storm Sewer Fund, \$32,013.75 from the Sanitary Sewer Fund, \$3,195.75 from the Doverdell Drive Storm Sewer and \$5,926.25 from the Capital Projects Fund be approved. The motion carried unanimously.

M-2 Mr. Veith moved, seconded by Ms. Book, that checks and transfers for \$9,849.86 from the General Fund and \$58,136.90 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 June 19, 2020 for \$137,438.31 as presented to Council on July 1, 2020, be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES

M-4 Mr. Wotus moved, seconded by Mr. Lahr to approve the Minutes of the June 17, 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 with complaints about the swimming pool. Mr. Nagy stated that Council did receive Mr. Schran's latest email. Decisions regarding operation of the pool for the 2020 season have been made. The Borough is waiting to pass an electrical inspection before the pool can be opened.

Paula Kelly, appeared before Council on behalf of the Whitehall Public Library to inquire when a discussion about reopening the Borough building will take place. Mr. Lahr stated that the Borough building is not open at this time and will be discussed at a later date. Mr. Nagy stated that circumstances are changing daily and Council does not have an answer on reopening the building at this time.

Mr. Firman stated that Borough Council's position at this time is that the building is closed to the public. Once a decision is made, the Library will be notified. Council continues to monitor this fluid situation. Safety is the paramount concern. Mr. Nagy suggested that Ms. Kelly call into the next Council Meeting to see if the direction or comfort level of Council has changed. Mr. Lahr stated that Borough Council is being cautious.

Donna McCrea, 305 Southvue Drive, appeared before Council on behalf of the Shade Tree Commission. The Shade Tree Commission is available to advise the Borough on tree related matters. Ms. McCrea requested that the Shade Tree Commission be involved in the planning stages of future tree planting projects. Mr. Rusmisl stated that he is aware of an email that Ms. McCrea sent to Borough staff. Gateway Engineers' landscape architect agrees with Ms. McCrea's concerns and will notify the contractor to correct issues with the plantings recently done at the Borough Complex. There is a 2-year maintenance bond for the Salt Dome Project if the trees die. Mr. Nagy thanked Ms. McCrea for all of her work and help.

Kristin Malock, 285 Maxwell Drive, appeared before Council with questions regarding the pool operation plan. Mr. Nagy explained that the Borough could not sell passes due to restrictions related to COVID-19. If the Borough sold passes and a resident was unable to use the pool due to capacity limits, there would be demands for refunds. The daily fee is comparable to other disposable income items, is an easy denomination for the staff to collect and make change.

Compared to the cost of a cup of coffee at Starbucks, the fee is more than reasonable. Ms. Malock asked that Council reconsider the fee.

MAYOR:

Mayor Nowalk presented his report for June 2020:

EMS Assists.....	137
Court/Hearings/Pretrial . . . . .	107
Accidents . . . . .	11
Criminal Arrests (2 DUI) . . . . .	17
Traffic Stops . . . . .	73
Traffic Details . . . . .	48
Written Traffic Citations. . . . .	58
Written Warnings Traffic Violations. . . . .	40

Total amount of money collected and turned over to the Borough during June 2020, amounted to \$1,859.80 the breakdown is as follows:

MVC from District Magistrate .....	\$431.24
Crimes Code and Code violations	
from District Magistrate .....	\$582.16
Parking Fines .....	\$490.00
Copies .....	\$120.00
Solicitor Permits .....	\$100.00
Fines from Clerk of Courts.....	\$136.40

Mayor Nowalk reported on the following items:

- Mayor Nowalk stated that the Chief reports that on June 24<sup>th</sup>, Whitehall Borough received confirmation from the Pennsylvania Commission on Crime and Delinquency approving a grant for \$22,400.00 to be used to purchase Body Worn Cameras.
- Mayor Nowalk read several letters from various residents thanking the Police Department.

Mayor Nowalk presented the report of the Whitehall Fire Company for June 17, 2020 to July 1, 2020:

Calls (Since Last Council Meeting) .....	7
Calls Year to Date (12/1/2019 to 6/16/2020) .....	196

These calls included:  
 2 Mutual Aid Calls  
 1 Vehicle Accident  
 Several Fire Alarms

Notable Calls:  
 None

Membership – 26 Firefighters

Apparatus, Stations and Equipment – No Report.

Mayor Nowalk stated that he wrote a letter on behalf of the Administrative Services Committee denying the Fire Company’s request to change to dispatching through County 911. He stated it is a comprehensive letter. He understands the committee has had a change of heart now. He stated the Police Department is meeting with the Fire Company to address the issues. He asked that Council make a decision with full and complete information and allow him to present his case for why the Fire Company should stay at Whitehall Dispatch at the next Council meeting.

Mr. Nagy stated that if the Mayor’s letter is truly comprehensive it can act as his statement and he should submit it to Council. The Fire Company can also submit a statement. Council will review the statements and make a decision at the next Council meeting.

Mr. McKown stated that the Administrative Committee spoke to members of the Fire Company, Mayor Nowalk and the Police Chief. He has two main points. The first is that a younger generation is taking lead of the Fire Company. These volunteers are risking their lives and an evolution is occurring at the Fire Company. He stated that Council owes it to them to try. Mr. McKown visited County 911 and is in favor of allowing the Fire Company to move there. The second point is in regards to radio communications issues. The Fire Company is worried about switching channels during mutual aid calls like the Brentwood apartment fire on Easter.

Mr. Nagy stated that this is a big decision and goes beyond the Committee structure. He stated that all of Council should read the Mayor’s letter and hear from the Fire Company. The decision can be delayed two weeks while all members of Council hear from all parties.

Mr. Lahr stated that the issues at Whitehall Fire Company are structural. The Fire Company is independent of the Borough. The Fire Company answers a lot more mutual aid calls now, often being the first or second responders. The Fire Company is more professional now. There are only 8 communities not at County 911 and he is in favor of letting them transition there.

Ms. Book stated that not every Council Member has received all the same information about this issue or have attended all of the committee meetings. Mr. Nagy stated that it is only fair to allow the other 4 members of Council review all of the information that the Committee members have received. This is a momentous decision. Council will take 2 weeks to review and make a decision at the next Council meeting.

Mr. Veith stated that the Committee looked at this issue in regards to "What is best for the residents?" Council must also consider the question "What is best for the Fire Company?" He does not want to endanger the firefighters in any way and in their eyes, County 911 works better.

Mayor Nowalk will distribute his letter to all of Council. Mr. McHugh of the Fire Company will be asked to provide a statement as well.

M-5 Mrs. DePuy moved, seconded by Ms. Book to delay this decision for two weeks, while all Council members listen to both sides. 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.

#### SOLICITOR:

Mr. Firman had three Ordinances to present to Council for approval.

The first Ordinance relates to amending Chapter 128 to prohibit the use of Borough-owned property and facilities for For-Profit purposes.

M-6 Ms. Book moved, seconded by Mr. Wotus to read the Ordinance. The motion carried unanimously.

Mr. Nagy asked if there was any comment from members of the public. There was none.

Mrs. DePuy stated that this Ordinance relates to private lessons on public courts. She inquired if that includes residents paying for a private lesson at Whitehall tennis courts. Mr. Firman stated that this Ordinance prohibits that.

Mr. Leventry stated this Ordinance came about after a non-resident was caught giving other non-residents lessons at Whitehall tennis courts. The gentleman has been caught twice and asked to leave. The Police can use this Ordinance to prohibit him from coming back again.

M-7 After the reading of the Ordinance, Mr. McKown moved for adoption. Mr. Wotus seconded the motion. On a roll call vote, Ms. Book, Mrs. DePuy, Mr. Lahr, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. The motion carried unanimously. The Ordinance No. is 1133.

The second Ordinance relates to authorizing the acquisition of the Leventon property on Route 51.

M-8 Mr. Wotus moved, seconded by Mrs. DePuy to read the Ordinance. The motion carried unanimously.

Mr. Nagy asked if there was any comment from members of the public or Council. There was none.

M-9 After the reading of the Ordinance, Mr. McKown moved for adoption. Ms. Book seconded the motion. On a roll call vote, Ms. Book, Mrs. DePuy, Mr. Lahr, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. The motion carried unanimously. The Ordinance No. is 1134.

The third Ordinance withdraws the Borough's condemnation proceedings against 338 Streets Run Road. The property owners have signed the easement documents.

M-10 Mr. Wotus moved, seconded by Ms. Book to read the Ordinance. The motion carried unanimously.

Mr. Nagy asked if there was any comment from members of the public or Council. There was none.

M-11 After the reading of the Ordinance, Mr. McKown moved for adoption. Mr. Lahr seconded the motion. On a roll call vote, Ms. Book, Mrs. DePuy, Mr. Lahr, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. The motion carried unanimously. The Ordinance No. is 1135.

#### ENGINEER:

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

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

M-12 Mr. Wotus moved, seconded by Mr. McKown to approve Payment Application No. 6 in the amount of \$42,048.38 for the 2019 Sanitary Sewer Excavation Repair Contract to Roto Rooter Service Company. The motion carried unanimously.

Mrs. DePuy inquired about the walking trail permit under item 18 on the Engineer's Report. Mr. Rusmisl stated that permit is for the trail near the Public Works building. The trail goes over a stream so a permit was needed from ACCD.

Mr. Leventry stated that the new salt shed is ready for salt storage.

Mr. McKown stated that Council must discuss the future of the swimming pool. He suggested starting the process now to get a plan and funding in place.

Mr. Nagy stated this is a huge discussion item. He suggested authorizing the Borough Engineer to gather information on the pool and make a recommendation to Borough Council.

Mrs. DePuy stated that Council must first decide if the pool is to be repaired or reconstructed.

Mr. McKown stated the pool is beyond repair.

Mrs. DePuy suggested getting input from residents and the pool staff.

Mr. Lahr stated the Borough Engineer should make a recommendation to Council regarding costs and the best way to proceed.

Mr. McKown suggested the Recreation Committee develop a plan to get the right people involved to start the process. The Committee will suggest ideas and the process will be similar to the Parks Master Plan process. Council must start thinking about how to fund the project. It is cheap to borrow right now. Currently roughly 1,500 passes are sold each year. Out of roughly 15,000 residents that is only 10% of residents utilizing the pool. What do the other 90% think? Is it a true amenity? Do the 90% want to pay \$4-5 million for the 10% that use the pool?

Mr. Nagy asked the Borough Engineer if the pool should be repaired or rebuilt? Mr. Rusmsiel stated he did not have enough information to answer that at this time.

Council concurred that Mr. Rusmisl will investigate and have a recommendation to repair or reconstruct the pool at the next meeting.

Mr. Lahr suggested that the pool should be free to all Whitehall residents. It loses \$150,000 annually.

Mr. Wotus inquired about a timeframe for action. Until Council receives a recommendation from Mr. Rusmiser, a timeframe cannot be established.

Mr. Nagy stated any discussion about the pool should be had by all of Council at public meetings, not just a committee. It is likely the pool will be shut down for at least a year.

MANAGER:

Mr. Leventry stated that the pool failed the electrical inspection today. He is waiting on the written report but he has asked an electrician to come tomorrow to look at everything. There is also an issue with the pool heater that will cost a few thousand dollars to repair. Mr. Leventry asked that Council give him a number not to exceed in order to make the necessary repairs to open the pool this year. These repairs are not in the budget and must be authorized by Council.

Mr. Nagy asked the Solicitor how to give the Manager authorization to spend X amount of dollars to proceed quickly and legally.

Mr. Firman stated that Council can delegate that authority to the Manager as it would qualify as an emergency and not need to be bid.

Mrs. DePuy asked roughly how much would be needed to correct the deficiencies. Mr. Leventry stated that he does not know. Previous years have not broken-down costs as electrical or structural repairs. Some years the Borough has spent \$10,000 while others have been upwards of \$40,000. This year the failures are electrical, not structural. It has been 4 years since the last electrical inspection and the failures are significant but he cannot give an idea to cost. He estimates \$10,000.

Mr. Firman stated that in an emergency setting, Council can authorize the Manager to act. Mr. Leventry is asking for a threshold that Council is willing to spend to open the pool.

Mr. Veith stated that Council needs to consider that they are running out of time to open/operate a pool. Mr. Nagy stated they must also consider that it is already full of water.

M-13 Mr. Lahr moved, seconded by Mr. McKown to authorize the Manager to correct the deficiencies at the pool at a cost not to exceed \$30,000.00. The motion carried unanimously.

Mr. Leventry stated that he will have a better idea of costs tomorrow.

Mr. Firman stated that it has been determined by the Engineer that this is emergency work in order to get the open. Any work beyond that would have to be bid.

Mr. Leventry stated that he received a letter from the Police Bargaining Association. Their vote to join the Teamsters is in a few weeks. In the event that vote fails, they want to begin negotiations.

It is the consensus of Council that because the Police are talking to the Teamsters now, they would prefer if all negotiations are handled by Mr. Leventry and Mr. McTiernan at Tucker Arensberg.

Mr. Leventry requested an executive session after the meeting to discuss personnel matters.

ASSISTANT MANAGER:

No report.

PLANNING & ZONING:

Mr. Wotus stated that Council has the latest permit summary from the Planning, Zoning and Code office.

Mr. Wotus stated that South Hills Square has received their final occupancy permit.

Mr. Wotus stated the Planning Commission will meet next Wednesday to discuss amendments to Grove Pointe and the upcoming public hearings before Council scheduled for August.

Mr. Wotus inquired about Council's thoughts on the new fireworks law in Pennsylvania and having the Planning Commission look at Borough Ordinances to put timeframes on the use of fireworks in the Borough. Mayor Nowalk thinks it would be a good idea and help the Police Department deal with calls.

Mr. Nagy stated that houses in Whitehall are close together and it can be an issue of safety, not just noise.

Chief Henderson stated that per the current Ordinance fireworks can only be set off 150 feet from a structure. There are not many, if any, lots in Whitehall that meet that criteria.

Mr. McKown suggested reviewing the Ordinances to put time limits on when fireworks can be set off. The Planning Commission will look at that.

PUBLIC WORKS:

Mr. Leventry stated that the new trucks will be done in a month. Delivery has been delayed due to COVID-19. Mr. Harris submitted quantities to the State today for salt. Next year is when the Borough will see savings on salt costs with the new Salt Storage.

PUBLIC SAFETY:

Mr. McKown stated that the Chief asks Council to set a date for final interviews of the 4 remaining civil service candidates for the position of Police Officer. Chief Henderson would like Council to approve hiring prior to the end of August.

Mr. Firman stated that Council makes the determination to hire a candidate after interviews are completed. The Chief does not pick the candidate. This has always been the process.

Interviews were set for Monday, July 20<sup>th</sup>. The Public Safety Committee will conduct the interviews.

RECREATION:

Mrs. DePuy stated that the new Borough website is up and running. Ms. Vetere has all of the upcoming recreation activities online and they are open for registration.

Mrs. DePuy requested that the Parks Committee meet to discuss their next steps. The committee will meet on July 6<sup>th</sup> at 1 PM.

Mr. McKown stated the new website is great and recommended Council members review their bios and update if necessary.

Mr. Nagy stated that he is glad to see youth sports back at the Borough parks.

ADMINISTRATIVE SERVICES:

Mr. Veith thanked the committee for their work on the County 911 issue.

Mr. Veith stated that Council will need to get in touch with Mr. McHugh to invite him to the next Council meeting.

Mayor Nowalk asked Mr. Leventry to forward his letter to all of Council and to Mr. McHugh. He also asked that Mr. Leventry ask Mr. McHugh to appear at the next Council meeting. Mr. McKown asked Mayor Nowalk to call Mr. McHugh and explain the process to him.

Mr. Veith said the issue will be discussed at the next Council meeting under the Mayor's report.

LIBRARY:

Mr. Leventry stated that he does not have the janitorial staff to clean the building 7 days a week right now.

Mr. McKown stated that Librarian Paula Kelly sent out a reopening plan. He suggested all of Council review it and to discuss it at the next Council meeting.

Mr. Leventry stated that if the building opens to the public, a 2<sup>nd</sup> in-house cleaning person will need to be hired as the outside company is not working in the building currently.

Ms. Book stated that the curbside pickup is working great and it is nice to see the service.

NEW BUSINESS:

Mr. Lahr stated that Representative Harry Readshaw has 3<sup>rd</sup> stage leukemia.

Mr. Wotus stated that there are 50 case of COVID-19 in Whitehall Borough. Mr. Leventry stated that it is mostly affecting the Bhutanese community as they live in multigenerational households. Mr. McKown stated that the Borough has an older population as well.

Mr. Wotus inquired about having the Recreation Board organize a contest to ask residents to come up with a Borough Motto.

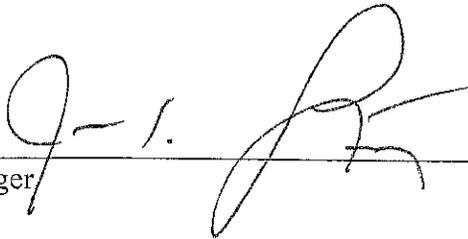
ADJORNMENT:

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

The meeting adjourned at 9:04 PM.

READ AND APPROVED THIS DAY OF JULY 15, 2020:

Manager

A handwritten signature in black ink, appearing to read "J. L. Lahr", is written over a horizontal line. The signature is stylized and cursive.