

**BOROUGH OF WHITEHALL**  
**Notice of Meeting**  
**August 5, 2020**  
**7:00 PM**

The Council of the Borough of Whitehall will meet Wednesday, August 5, 2020, at 7:00 PM, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

**AGENDA FOR REGULAR MEETING**  
**August 5, 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 July 15, 2020
- VII. Public Hearing – Amending Article XXVII - Conditional Uses and Special Exceptions
- VIII. Public Hearing – Amending Article XXV – Accessory Structures
- IX. Citizens' Requests - Call In
- X. Reports of the Following Officers:
  - A. Mayor - Nowalk
  - B. Solicitor - Firman
  - C. Engineer – Rusmisel
  - D. Manager – Leventry
  - E. Assistant Manager – Wertz
- XI. Reports of the Following Committees:
  - A. Administrative Services – Veith, McKown, Wotus
  - B. Library – Lahr, Book, McKown
  - C. Planning & Zoning – Wotus, Veith, DePuy
  - D. Public Works – Book, Lahr, DePuy
  - E. Public Safety – McKown, Lahr, Wotus
  - F. Recreation – DePuy, Veith, Book
- XII. New Business
- XIII. Adjournment

BOROUGH OF WHITEHALL

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## BOROUGH OF WHITEHALL

Regular Meeting August 5, 2020

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, August 5, 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 & Code

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 August 5, 2020 for \$195,447.92 from the General Fund, \$23,416.07 from the Storm Sewer Fund, \$19,476.22 from the Sanitary Sewer Fund, \$49,998.59 from the Doverdell Drive Storm Sewer, \$6,180.54 from the Capital Projects Fund and \$107,591.30 from the Liquid Fuels Fund be approved. The motion carried unanimously.

Mr. Nagy inquired what the 2017 Sinking Fund is. Mr. Leventry stated that is the Doverdell Drive Storm Sewer Fund.

M-2 Mr. Veith moved, seconded by Mr. Lahr, that checks and transfers for \$27,924.44 from the General Fund, \$8,127.04 from the Sanitary Sewer Fund and \$112,309.98 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 July 17, 2020 for \$150,875.24 as presented to Council on August 5, 2020, be ratified. The motion carried unanimously.
- M-4 Mr. Veith moved, seconded by Mr. Lahr, that General Fund payroll for the period ending July 31, 2020 for \$199,933.20 as presented to Council on August 5, 2020, be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES:

Mayor Nowalk suggested connecting two sentences on Page 4 regarding the discussion about the Fire Company moving their dispatch services to County 911. Ms. Wertz will make the change.

- M-5 Mr. Wotus moved, seconded by Mr. Lahr to approve the Minutes of the July 15, 2020 Council Meeting with the aforementioned changes. The motion carried unanimously.

PUBLIC HEARING – ARTICLE XXVII CONDITIONAL USES & SPECIAL EXCEPTIONS:

Mr. Dellett provided background on the proposed Zoning Ordinance Amendment.

Mr. Wotus stated that this proposed Ordinance allows for kennels and recycling centers. Mr. Dellett stated that that the definition of recycling center has been expanded to include all recycling, whereas the current Borough Code is limited to aluminum recycling.

There were no questions or comments from Borough Council or members of the public.

- M-6 Mr. Wotus moved, seconded by Ms. Book to close the Public Hearing. The motion carried unanimously.
- M-7 Mr. Wotus moved, seconded by Mr. McKown to adopt the Ordinance. 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 1136.

PUBLIC HEARING – ARTICLE XXV ACCESSORY STRUCTURES:

Mr. Wotus stated that this proposed Zoning Ordinance Amendment adds definitions and regulations for a variety of Accessory Structures. The current Borough Code only mentions Sheds.

Mr. Lahr stated that Mayor Nowalk previously vetoed this Ordinance because of the inclusion of Carports.

Mr. Wotus stated that Council was unable to vote to override the Mayor's veto as Council Meetings were cancelled due to COVID-19. As a result, the timeframe for a vote to override expired.

Mr. Lahr stated that the Accessory Structures in the proposed Ordinance should not be allowed in the Borough.

Mr. Wotus stated that the Planning Commission put a lot of effort into defining and regulating the proposed Accessory Structures. The regulations will enhance Whitehall Borough.

Mr. Leventry stated that under the current Borough Code, Carports are allowed everywhere, without restrictions. The proposed Ordinance would control them by putting restrictions on them. Currently, if any resident wanted to put up a Carport, they can, without any restrictions.

Mr. Lahr stated the proposed items would not enhance the Borough.

Mr. Nagy stated that the Planning Commission has integrity and he is reluctant to vote against their recommendation.

Mr. Leventry asked Mr. Dellett if a resident came to the Borough tomorrow asking to install a Carport, what the process would be. Mr. Dellett stated the current Code is silent on Carports. Mr. Leventry stated that if a resident wanted to install a Carport tomorrow, they would be allowed too. The proposed Ordinance puts controls on their installation. Carports are already allowed in the Borough.

Mr. Firman stated that the Zoning Officer's interpretation of the current Code is that there are no restrictions on Carports. Mr. Dellett stated that the Code is silent on Carports and neither permits or prohibits them. Mr. Firman stated that if an Ordinance precludes a particular type of use, it is exclusionary.

Mr. Nagy inquired if this situation is analogous to when the Borough passed an Ordinance restricting the locations of Adult Businesses in the Borough. Without the existing Ordinance, Adult Businesses would have been allowed anywhere, without restrictions in the Borough.

Mr. Firman stated this is the same concept – the proposed Ordinance has expressed standards to restrict and limit the structures under the Code.

Mr. McKown stated that this Ordinance has already been approved but was vetoed by the Mayor. A meeting to vote to override the veto could not be held due to COVID-19. This Ordinance is defining these structures. Without definitions, residents have freewill to do what they want.

Mr. Lahr stated that these structures were not previously allowed.

Mr. Dellett stated that the previous Zoning Officer was inconsistent in allowing, enforcing and administering the Code. The Borough has received a number of requests for different Accessory Structures and the current Ordinance only has regulations for Sheds.

Mr. Nagy stated that the proposed Ordinance regulates and defines Carports. Mr. Dellett read the definition of Carports from the proposed Ordinance.

Mr. Nagy stated that currently the Borough does not have restrictions or regulations on Carports.

Mr. Dellett stated that under the current Code, the Borough could try to cite a resident for installing a Carport but it would ultimately be up to the District Magistrate to rule on as the Borough has no regulations.

Mayor Nowalk asked for clarification on the Borough specifying uses. He stated that if no uses are specified, they do not exist.

Mr. Firman stated that the Borough has allowed for Accessory Use. The term Accessory Use is broadly defined in the current Code. Almost anything can be classified as an Accessory Use. The Zoning Officer is receiving requests for a wide array of items that can be classified as Accessory Use. The previous Zoning Officer made determinations on his own without consulting Council or the Solicitor.

Mayor Nowalk inquired if Carports could be prohibited entirely.

Mr. Firman asked what his definition of a Carport is. Mayor Nowalk stated that cars belong in garages, not 3 sided structures.

Mr. Nagy stated the definition of a Carport in the proposed Ordinance is to store a vehicle. When the Borough was founded, no one had 2 cars. Most driveways and garages are for a single car. Today, most families have 2 or more cars and have installed parking pads.

Mayor Nowalk stated Carports are ugly.

Mr. Wotus stated that surrounding communities with more expensive homes allow them. They do exist.

Mr. Lahr stated that Whitehall Borough is above the surrounding communities that allow Carports. The Founders of Whitehall put restrictions on items in backyards so that the yards flowed. Over the years, fences and shrubs have been allowed. Allowing construction in the back yards devalues the community.

Mr. Wotus stated that cars are all along streets in the Borough because residents have no place to park them.

There were no questions or comments from Borough Council or members of the public.

M-8 Mr. Wotus moved, seconded by Mr. McKown to close the public hearing. The motion carried unanimously.

M-9 Mr. Wotus moved, seconded by Mr. McKown to adopt the Ordinance. On a roll call vote, Mrs. DePuy, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Wotus voted yes. Ms. Book and Mr. Lahr dissented. The motion carried 5-2. The Ordinance No. is 1137.

#### 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.

Michael Hurley inquired if Kennels are now allowed in the Borough. Mr. Firman stated the Ordinance permitting them was adopted.

Sam Gibson, 5336 Spring Valley Drive, appeared before Council with concerns about traffic on Spring Valley Drive. He requested speed bumps on Spring Valley near Overlook Park. Mr. Nagy stated that there are no speed bumps in the Borough. Chief Henderson stated that traffic studies have been conducted in the area over the years and don't support traffic calming devices. The average speeds in the area are at or below the speed limit. There are a lot of parked cars on Spring Valley that narrow the street which gives the perception that cars are speeding. There is more traffic on the street currently due to a Columbia Gas project. Enforcement will be increased in the area.

Mr. Veith inquired about lowering the speed limit. Chief Henderson stated that Speed Limits are dictated by State law and would require a traffic study to lower the speed limit below 25 MPH. Data from previous traffic studies would most likely not support the lowering of the speed limit.

Mr. Lahr stated a resident asked him about prohibiting engine brakes on trucks on Route 51. Chief Henderson stated the Borough cannot regulate a State Highway.

MAYOR:

Mayor Nowalk presented his report for July 2020:

EMS Assists.....	174
Court/Hearings/Pretrial . . . . .	144
Accidents . . . . .	19
Criminal Arrests (1 DUI) . . . . .	18
Traffic Stops . . . . .	96
Traffic Details . . . . .	67
Written Traffic Citations. . . . .	77
Written Warnings Traffic Violations. . . . .	68

Total amount of money collected and turned over to the Borough during July 2020, amounted to \$5,661.41 the breakdown is as follows:

MVC from District Magistrate .....	\$979.20
Crimes Code and Code violations from District Magistrate .....	\$1,133.00
Parking Fines .....	\$620.00
Copies .....	\$60.00
Fines from Clerk of Courts.....	\$2,869.21

Mayor Nowalk reported on the following items:

- Mayor Nowalk stated that the Chief reports that on Monday, July 20<sup>th</sup>, a protest was held by Black Lives Matter that closed down State Route 51 for approximately 3 hours. Over 90 Police Officers from neighboring Departments, several other SHACOG Departments, County Police and Pittsburgh Police assisted Whitehall Borough and Brentwood Police with traffic and crowd control. The event remained peaceful and a march from Brentwood Town Center to Borough Park Drive went without incident.
- Mayor Nowalk stated that he spoke with the President of the Whitehall Fire Company and the “backdoor” is in place now that the Fire Company is dispatching from Allegheny County 911. Chief Henderson stated that he spoke with Chief Harris regarding the programming of the sirens.
- Mayor Nowalk stated that the virtual Mayor’s Conference went extremely well, the speakers were fantastic and the topics were relevant.

Mrs. DePuy congratulated Mayor Nowalk on his article in the PSAB Borough News Magazine.

Mayor Nowalk provided an update on RADAR.

SOLICITOR:

Mr. Firman stated that the cell tower agreement with T-Mobile has been finalized. Mr. Veith stated the agreement is great for the Borough.

M-10 Mr. Veith moved, seconded by Mr. McKown to approve the Agreement. The motion carried unanimously.

Mr. Firman requested an executive session for matters of litigation and personnel.

Mr. Wotus stated that Mr. Firman was named as a top attorney in the June issue of Pittsburgh Magazine.

ENGINEER:

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

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

M-11 Mr. Lahr moved, seconded by Mr. Wotus to approve Payment Application No. 7 in the amount of \$11,403.15 for the 2019 Sanitary Sewer Excavation Repair Contract to Roto Rooter Service Company. The motion carried unanimously.

- 2020 Road Program – The contract documents have been signed. A preconstruction meeting will be scheduled.
- Frank Park Phase II – The Phase II construction of the Frank Park project has been completed by Plavchak Construction Co. A letter was provided by the contractor stating that they will return in the Fall for any required over-seeding of the lawn restoration due to the summer timing of the initial restoration.

M-12 Mr. Wotus moved, second by Mr. Veith to approve Payment Application No. 4 and Final in the amount of \$8,254.40 for the Frank Street Park Renovation Project – Phase II to Plavchak Construction Co. The motion carried unanimously.

- McRoberts Road Slide Repair – Three (3) bids were received at the bid opening on July 23<sup>rd</sup>. The apparent low bidder, Plavchak Construction, did not fulfill the experience documentation requirements. The second low bidder, Geostabilization International LLC (GSI), provided all the required documentation. Gateway Engineers recommends awarding the project to Geostabilization International, LLC with a total bid price of \$284,800.00 if budgets allow.

Mr. Firman requested this matter be put on hold until he can speak offline with the Engineer.

Mr. Leventry stated that the bids are roughly \$140,000 higher than what is budgeted.

Mr. Nagy inquired about rebidding to get a better price. Mr. Rusmiser stated that a pre-bid meeting was held with a dozen different contractors. Not all the contractors wanted to submit documents to become a prequalified bidder. Prices could be reflective of market conditions.

Mr. McKown inquired if the project can be put on hold. Mr. Leventry stated that the road cannot go through winter in its current condition.

MANAGER:

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

- SHACOG Contract Award – SHACOG recently opened bids for the Joint Municipal Preventative Maintenance Year 10 Contract. The low bidder is State Pipe Services at \$83,527.50 of which \$29,478.00 is estimated to be Whitehall's share. Council will need to concur with the awarding of the bid.

M-13 Mr. Wotus moved, seconded by Mr. Veith to concur with the awarding of the bid. The motion carried unanimously.

- Condemned Property Demolition – All legal hurdles concerning the demolition of the condemned property at 4952 McAnulty Road have been cleared. We are in the process of obtaining 3 estimates for the demolition, which based on older estimates, we expect to be well below our bidding threshold. Council will need to authorize the Manager to proceed with the demolition utilizing the lower of the three quotes. Once demolition is complete, the Borough will file a lien on the property for the costs.

Mr. Nagy inquired who would own the property after demolition is complete. Mr. Leventry stated that the Borough would own it. The Borough would place a lien on the property for the demolition costs and it would go to Sheriff Sale to recoup the costs/lien. Mr. Leventry has received many inquiries about buying the property.

M-14 Mr. Wotus moved, seconded by Ms. Book to authorize the Manager to proceed with demolition of 4952 McAnulty Road utilizing the lowest quote. The motion carried unanimously.

- Swimming Pool – Walt Milinski informed the Borough today that he will not have a sufficient number of guards to continue operating the pool as of August 16<sup>th</sup>. As you know, attendance at the pool this year has been minimal, so it should not affect many residents.

Mr. Leventry stated that Hannah Vetere is requesting that Council appoint Jen Mullaugh to fill the term of Rachel Bricker, ending December 2022.

M-15 Mr. McKown moved, seconded by Ms. Book to appoint Jen Mullaugh to the Recreation Board for a term expiring December 2022. The motion carried unanimously.

There is still one vacancy on the Recreation Board. There has been interest from a few residents.

Mr. McKown asked for an update on the janitorial services. Mr. Leventry stated that he has had some interest in the position.

Mr. Nagy stated that the advantage of the Salt Dome is that the Borough has a place to store all the salt it did not use this past winter. Mr. Leventry stated that the Borough has fulfilled its 19/20 Salt Contract obligations and will not have to pay a salt storage fee. The Borough will see savings next year for salt.

#### ASSISTANT MANAGER:

Ms. Wertz reported on the following items according to the written report given to Council:

- DCNR Grant – Prospect Park Phase I – After review of the advertisement and bidding schedule for Prospect Park Phase I; the earliest a bid can be awarded would be the October 7<sup>th</sup> Council Meeting. Given the late award date and an estimated construction time of 4-6 weeks, it is recommended that Council wait to bid the project in Spring 2021.

Council agreed to wait to bid the project in the Spring.

Mr. Wotus stated that there was an article in the Trib about the recent merger of the BWAA and the GBWAA.

ADMINISTRATIVE SERVICES:

No report.

LIBRARY:

The Library is now open for computer appointments. Mr. Lahr stated that the County is receiving money from the CARES Act and funds will be given to RAD. Mr. Leventry stated that RAD funds are down this year.

PLANNING & ZONING:

Mr. Wotus stated that Carol Tasillo's mother passed away.

The Planning Commission is working on a fencing ordinance.

Mr. Lahr asked for an update on a house on Child Drive. Mr. Dellett stated that no applications have been received yet.

PUBLIC WORKS:

Mr. Leventry stated that the paint machine is broken beyond repair. Mr. Harris is looking to replace it. It is estimated to cost around \$4,000.

PUBLIC SAFETY:

Mr. McKown requested an executive session for personnel matters. He asked that the meeting be recessed, not adjourned.

RECREATION:

Mr. Nagy inquired about using the pool for another year. Mr. Leventry stated that is not possible due to safety reasons.

Mr. McKown suggested Council host a workshop to discuss ideas and financing. The pool is only utilized by 10% of residents and overall costs including debt service on a new loan is estimated to be as high as \$500,000/year.

Mrs. DePuy stated the Borough must consider its existing debt service.

Mayor Nowalk stated the pool is an amenity and is a reason that people move to Whitehall Borough. He suggested looking at grants to fund a new pool.

Mr. Firman stated the workshop would need to be advertised as a public meeting where residents can phone in.

Mr. Rusmisl requested some design parameters for Gateway to give cost estimates on.

Mr. Leventry stated that any grant funding will require the pool be open to non-residents.

A workshop will be held on Monday, August 17<sup>th</sup> at 6 PM in the Community Room. Mrs. DePuy will work with Mr. Leventry and Ms. Wertz to set an agenda.

NEW BUSINESS:

Mr. Veith stated that a resident recently received an anonymous letter regarding their yard decorations. Officer Carl Morosetti handled the situation wonderfully.

Mr. Nagy inquired how the Ordinance regarding deer feeding is enforced. Mr. Firman stated the citation and fines are part of the Borough Code. Mr. Dellett stated that Mr. Zeoli will visit the property in question at the time of the alleged violations to view the scene. He will file citations with the District Magistrate if warranted.

Mr. Wotus stated that there are 112 COVID-19 cases in Whitehall Borough. That is an increase of 6 cases.

Mr. Wotus stated that there is currently a bill being considered to allow Boards and Commissions to meet remotely.

Mayor Nowalk stated that he spoke with Librarian Paula Kelly and BCAP about bringing mobile COVID-19 testing sites to the Borough for all residents. Council had no objection.

RECESS:

M-16 Mr. McKown moved, seconded by Mr. Wotus to recess the meeting. The motion carried unanimously.

The meeting recessed at 8:45 PM.

ADJORNMENT:

The meeting reconvened at 9:31 PM.

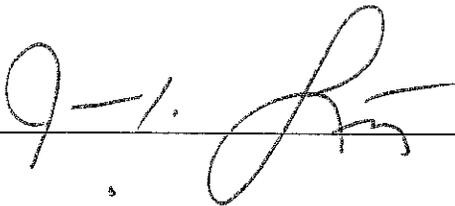
No votes were taken.

M-17 Mr. Veith moved, seconded by Mr. Wotus to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:32 PM.

READ AND APPROVED THIS DAY OF AUGUST 19, 2020:

Manager

A handwritten signature in black ink, appearing to be "J. L. Smith", written over a horizontal line.