BOROUGH OF WHITEHALL
Notice of Meeting
September 2, 2020
7:00 PM

The Council of the Borough of Whitehall will meet Wednesday, September 2, 2020, at 7:00 PM, at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, for a regular meeting.

AGENDA FOR REGULAR MEETING
September 2, 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 August 17, 2020 Pool Workshop and August 19, 2020 Council Meeting

VII. Citizens' Requests - Call In

VIII. Reports of the Following Officers:

A. Mayor - Nowalk
B. Solicitor - Firman
C. Engineer – Rusmisel
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 September 2, 2020

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, September 2, 2020, at 7:00 PM, for a regular meeting. President Nagy called the meeting to order, followed by the Pledge of Allegiance.

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 Rusmisel, 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

After taking Roll Call, the meeting recessed to executive session for a matter of personnel.

The meeting reconvened at 7:24 PM.

President Nagy announced that all meetings will be recorded auditorily.

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 September 2, 2020 for $97,557.52 from the General Fund, $27,594.40 from the Storm Sewer Fund, $157,794.51 from the Sanitary Sewer Fund, $2,815.25 from the Doverdell Drive Storm Sewer and $7,188.59 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 $17,476.35 from the General Fund, $4,800.00 from the Storm Sewer Fund and $48,940.31 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 August 28, 2020 for $148,385.71 as presented to Council on September 2, 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 August 19, 2020 Council Meeting as presented. The motion carried unanimously.

Mrs. DePuy commented on a discussion referenced on Page 4 of the minutes. Mayor Nowalk has a different interpretation of the Code than Borough Council. She would like to see all elected officials on the same page regarding the issue.

Mr. Firman stated that most Uses are not inherently dangerous or inherently wrong. Courts have said that if you don't allow for a Use in the Zoning Ordinance, you must allow for a reasonable use of that item. There are certain Uses you have to allow. That does not mean you have to allow all versions of that Use. You cannot ban otherwise regular Uses from the Borough.

Mr. Firman stated that he and Mr. Dellett look at cases as they arise to ensure they adhere to the law.

Mayor Nowalk stated that he understands the Zoning Ordinance has to provide for Uses. The fact that a Use is not in the Zoning Ordinance does not mean that Mr. Dellett can approve it. Mr. Dellett should interpret the Zoning Ordinance very strictly.

CITIZENS' REQUESTS:

Residents wishing to speak at tonight's meeting phoned in via conference call at

United States:+1 (872) 240-3412
Access Code: 840-157-933

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.

Gary Kelly, 20 Windvale Drive, appeared before Council asking them to delay demolition of 4952 McAnulty Road so that he may purchase the property. Mayor Nowalk stated that Mr. Kelly has spoken to neighbors in the area and the Borough should recognize Mr. Kelly's commitment to civil service as a volunteer mediator and grant his request.

Mr. Leventry stated that he has not signed the demolition contract because he knew of Mr. Kelly's intent to speak tonight. As soon as it is signed, demolition can start in 7-10 days.

Mr. Kelly asked for 60 days to make visible changes to the property.

Mr. Leventry stated that the Borough will need a commitment from Mr. Kelly in writing with benchmarks. The Borough has been working on this property for 1 ½ years and the neighbors are not happy. He stated the Borough should offer Mr. Kelly 45 days to obtain ownership of the property.

Mr. Kelly stated that he plans to start work on the property within a week of obtaining possession. He will make quick and noticeable changes to the property regarding the overgrowth and will be in touch with the neighbors. He has renovated properties before and is confident he can get results.

Mr. Nagy asked if any other residents wished to speak on this topic. There were none.

M-5 Mr. Lahr moved, seconded by Mr. McKown to continue the demolition of 4952 McAnulty Road for 45 days providing that Mr. Kelly obtains ownership of the property; if Mr. Kelly does not obtain ownership of the property, demolition will automatically resume; if Mr. Kelly does obtain ownership of the property then he can propose to Council a timeline to remedy the situation. The motion carried unanimously.

Paula Kelly, Whitehall Public Library Librarian, appeared before Council to discuss the Whitehall Public Library's proposed reopening plan. The number of COVID-19 cases in Allegheny County are optimistic and Ms. Kelly proposed a reopening date of September 14th.

Mr. Leventry stated that he explained to Ms. Kelly that he cannot provide anymore janitorial services than is already being provided at this time as the Borough has not been able to hire a second cleaning person.

Ms. Kelly stated that the Library has a staff person who will clean on alternate days of the Borough cleaning person.

M-6 Mr. Lahr moved, seconded by Ms. Book to approve the Library's reopening plan for September 14th. The motion carried unanimously.

Mr. Nagy asked if any other residents wished to speak on this topic. There were none.

MAYOR:

Mayor Nowalk presented his report for August 2020:

EMS Assists	153
Court/Hearings/Pretrial	113
Accidents	19
Criminal Arrests (2 DUI)	24
Traffic Stops	92
Traffic Details	60
Written Traffic Citations	78
Written Warnings Traffic Violations	61

Total amount of money collected and turned over to the Borough during August 2020, amounted to $5,289.70 the breakdown is as follows:

MVC from District Magistrate	$2,341.23
Crimes Code and Code violations from District Magistrate	$1,689.29
Parking Fines	$970.00
Copies	$165.00
Fines from Clerk of Courts	$124.21

Mayor Nowalk reported on the following items:

- Mayor Nowalk stated that the Chief reports that Officer Joseph Lacko has submitted a letter to the Department reporting that he will be returning to regular duty at Whitehall Police Department after a one-year deployment with the Air Force Reserves. His re-start date will be Thursday, October 1, 2020.

- Mayor Nowalk stated that the Deputy Chief met with Baldwin Whitehall School District Officials as well as Pre-Schools in the Borough this past week to discuss COVID-19 protocols and schedules put in place.

Mayor Nowalk stated that he is working on an article for the upcoming Fall Magazine. He will send it to Council for review tomorrow.

Mayor Nowalk stated that he is working with a couple residents that are concerned about a group home in the Borough.

Mr. Veith remined Mayor Nowalk to have the Whitehall Committee for Environmental Action discuss rats at their next meeting. Mayor Nowalk stated that he will try to get an article about rats from the Committee for the Fall Magazine.

SOLICITOR:

No report.

ENGINEER:

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

- 2020 Road Program – The pre-construction meeting with Independent Enterprises was held on August 13, 2020. Work is tentatively scheduled to start the week of September 14th.

- Operations & Maintenance – Roto Rooter is working on the 2019 Sanitary Sewer Excavation Repair Contract. The post CCTV needs to be completed prior to closeout.

M-7 Mr. Lahr moved, seconded by Mr. Wotus to approve Payment Application No. 8 in the amount of $21,788.54 for the 2019 Sanitary Sewer Excavation Repair Contract to Roto Rooter Services Company. The motion carried unanimously.

- McRoberts Road Slide Repair – Gateway Engineers sent a letter to Plavchak Construction on August 21, 2020 identifying the items missing from the bid submission. The bids are valid until September 22nd.

- Streets Run Storm Sewer Construction – One easement is still needed.

- Lewis Court Storm Sewer Repair – Roto Rooter Services Company completed this work on August 17th.

M-8 Mr. Wotus moved, seconded by Mr. Lahr to approve Payment Application No. 1 and Final in the amount of $21,700.00 to Roto Rooter Services Company for the Lewis Court Storm Sewer Repair. The motion carried unanimously.

- Pool Evaluation – Mr. Rusmisel handed out packets to Council for review. The two options presented are within $100,000 in price and cost estimates include a high contingency. Detailed cost estimates and a preliminary construction scheduled are attached.

Mr. Rusmisel stated that now that the pool is empty, he would like to proceed with investigating the condition of the subgrade surface below the pool to see if voids exist. Ground penetration radar would be used. This information will be needed regardless of which path Council chooses going forward.

Mrs. DePuy stated another company should look at the pool.

Mr. Nagy asked if it would be possible to open the current pool next year. Mr. Rusmisel stated that the pool cannot be opened safely next year. The deck area and concession stand area would need to be roped off and closed. Access to the pump room would require a "buddy system." It is a dangerous condition.

Mr. Nagy inquired about starting to dig up the pool now. Mr. Rusmisel stated that it is better to do the radar work right now.

Mr. Rusmisel stated that the original construction plans for the pool complex were located today. The next steps are to prepare an existing conditions plan, refine the designs and provide hard numbers. The current construction schedule plans for a 2022 opening.

A Pool Workshop will be held on August 16, 2020 at 6 PM.

M-9 Mrs. DePuy moved, seconded by Ms. Book to authorize the Engineer to move forward with the aforementioned work. The motion carried unanimously.

Mrs. DePuy stated that a recent Borough News article explained how State and Federal grants require municipalities to open the pool to non-residents. Mr. Rusmisel stated that Gateway Engineers is exploring grant opportunities.

MANAGER:

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

- County Submission – All of the required paperwork has been submitted to the County for the Borough to apply for the $150,000.00 in CARES funding through the Municipal Cares Program.

Mrs. DePuy inquired what the $150,000.00 was reimbursing. Mr. Leventry stated that it covers Police salaries from March to May 2020.

- Negotiation Session – An initial negotiating session with the Teamsters has been scheduled for the morning of September 18th. Mr. McTiernan, Ms. Wertz and Mr. Leventry will attend.

Mr. Leventry stated that he is still looking for a 2nd janitorial person. Advertisements have been run on the website, in the Steeplechase newsletter, at SHIM and word of mouth. The Borough is looking to hire an individual, not a company.

ASSISTANT MANAGER:

No report.

PUBLIC SAFETY:

No report.

RECREATION:

No report.

ADMINISTRATIVE SERVICES:

No report.

LIBRARY:

Ms. Kelly gave a report on the Library.

PLANNING & ZONING:

Mr. Wotus reviewed the Code Enforcement and Planning & Zoning reports.

The Planning & Zoning Committee met recently with the Penn Cove Group to review a proposed trail at the new Grove Pointe Development. Council was given a map showing the location of the proposed trail.

Mr. McKown stated that the path needs to be legally documented where it goes between the homes there to avoid future easement issues.

Mr. Dellett stated that there is a development across the street in Bethel Park which has sidewalk requirements that will connect the pathway to the Cool Springs Development. Easements are being negotiated between Penn Cove, the cemetery owners and the HOA.

Mr. Wotus stated the land around the cell tower at Grove Pointe will be part of the HOA.

There will soon be 2 vacancies on the Planning Commission.

Mr. Wotus stated that state lawmakers are looking at fireworks regulations.

Mr. Dellett stated that staff requests Council consider a motion to act on 2020-SLD-05 Grove Pointe Fourth Amendment Subdivision Application Plan. The applicant requests subdivision plan approval to show property lines along party walls of four townhouses (152-158 Providence Way) on Lot 8 of the Grove Pointe Residential Land Development. The parcels are located in Residence District R-7. At its July 8, 2020 meeting, the Planning Commission recommended conditional approval of the application.

Staff recommends Council grant approval of the 2020-SLD-05 Grove Pointe Fourth Amendment Subdivision Application Plan subject to conditions in a memo dated August 28, 2020.

M-10 Mr. Wotus moved, seconded by Mr. Lahr to grant approval of the 2020-SLD-05 Grove Pointe Fourth Amendment Subdivision Application Plan subject to conditions in a memo dated August 28, 2020. The motion carried unanimously.

PUBLIC WORKS:

Ms. Book stated that crews have been busy in the parks and painted the gazebos at Brennan Plaza.

Mr. Leventry stated that the new trucks are close to being done.

NEW BUSINESS:

Mr. Wotus stated that the historical committee is meeting on Friday at 1 PM.

Mr. Nagy inquired if there were any topics Council would like to see him write about in his President's Report for the Fall Magazine.

ADJORNMENT:

Mr. Nagy stated the longtime Castle Shannon Council Member Michael Cheberenchick passed away recently. He was 99 years old. He asked that the meeting be adjourned in his honor.

M-11 Mr. Veith moved, seconded by Mr. Wotus to adjourn the meeting in honor of Michael Cheberenchick. The motion carried unanimously.

The meeting adjourned at 8:35 PM.

READ AND APPROVED THIS DAY OF SEPTEMBER 16, 2020:

Manager