



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

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

AGENDA FOR REGULAR MEETING
December 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 November 4, 2020 Council Meeting; November 7, 2020 Budget Meeting and November 14, 2020 Budget Meeting
- VII. Citizens' Requests - Call In
 United States:+1 (872) 240-3412
 Access Code: 840-157-933
- 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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BOROUGH OF WHITEHALL

Regular Meeting December 2, 2020

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, December 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 (via telephone)
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
Jason C. Gagorik, Deputy Chief of Police

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 December 2, 2020 for \$63,497.51 from the General Fund, \$23,701.85 from the Storm Sewer Fund, \$466.08 from the Sanitary Sewer Fund and \$53,866.00 from the Capital Projects Fund be approved. The motion carried unanimously.
- M-2 Mr. Veith moved, seconded by Ms. Book, that the bills contained on the bill list presented to Council on December 2, 2020 for \$359,789.90 from the General Fund, \$11,610.15 from the Storm Sewer Fund, \$877,447.24 from the Sanitary Sewer Fund, \$1,295.00 from the Doverdell Drive Storm Sewer Fund and \$23,618.30 from the Capital Projects Fund be ratified. The motion carried unanimously.
- M-3 Mr. Veith moved, seconded by Ms. Book, that checks and transfers for \$112,226.03 from the Payroll Fund be ratified. The motion carried unanimously.
- M-4 Mr. Veith moved, seconded by Mr. McKown, that General Fund payroll for the period ending November 6, 2020 for \$207,029.67 as presented to Council on December 2, 2020 be ratified. The motion carried unanimously.

M-5 Mr. Veith moved, seconded by Mr. McKown, that General Fund payroll for the period ending November 20, 2020 for \$149,513.74 as presented to Council on December 2, 2020 be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES:

M-6 Mr. Lahr moved, seconded by Ms. Book to approve the Minutes of the November 4, 2020 Council Meeting as presented. The motion carried unanimously.

M-7 Mr. Veith moved, seconded by Mr. McKown to approve the Minutes of the November 7, 2020 Budget Meeting as presented. The motion carried unanimously.

M-8 Mr. Veith moved, seconded by Mr. Lahr to approve the Minutes of the November 14, 2020 Budget Meeting as presented. The motion carried unanimously.

PUBLIC HEARING: 2021 BOROUGH BUDGET

Mr. McKown read a statement about the 2021 Borough Budget. There were no public comments.

M-9 Mr. McKown moved, seconded by Mr. Lahr to close the public hearing. The motion carried unanimously.

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.

Donna McCrea, 305 Southvue Drive, appeared on behalf of the Shade Tree Commission with Alyssa Cleve. She commended Public Works for their assistance planting 12 trees at Frank Park. Volunteers at the event were impressed with the recent renovations there. She asked that the Parks Committee alert the Shade Tree Commission when there is another parks project in the works as the tree grants take a year from application to planting.

Anthony & Leah Cifelli, 4953 Carlyn Drive, appeared before Council regarding issues with Scott Dellett, a permit denial and Zoning Hearing Board appeals. Mr. Firman explained that the Cifellis are currently in litigation with the Borough. He has been in touch with the Cifelli's attorney. Borough Council cannot address Zoning Hearing Board issues regarding a denied permit. As all the issues the Cifellis raised are in litigation, discussion must occur between attorneys. Personnel issues are not matters for public discussion.

Mayor Nowalk created two subcommittees related to the swimming pool and representatives from those committees addressed Council.

Tony Brady of the Pool Finance Committee reviewed 3 funding ideas.

Mr. Wotus stated that he was concerned that the committee was taking on work not authorized by Council.

Mayor Nowalk stated that the committees are to only explore ideas as they have no authority to take any action.

Jack McCrea of the Pool Design Committee presented a summary of the thoughts of 20 residents and proposed a new single pool design.

Mr. McKown stated that the Borough's multi-pool design took into consideration operational issues of the previous pool. A larger sample size of the community would be needed. The cost of added amenities in the Borough' design is intended to attract more users to the pool and to reduce liabilities. When the Borough Pool first opened 6,000 pool passes were sold. Recent years, the Borough was only selling 1,500 and operating on a \$150,000.00 annual deficit. If more users can be created, revenues will increase.

Mrs. DePuy disagreed with Mr. McKown's assessment and believes a single pool design would be more efficient.

Council still has to make a decision on the pool design. The Pool Manager was involved in the design process. It is a conceptual plan that can be amended.

Mayor Nowalk suggested a survey of all Borough residents to gauge all the different ideas out there. Only 20 people responded to the Our Pool email.

MAYOR:

Mayor Nowalk reported on the following items:

- The Borough reported 5.84 percent of the calls to animal control services in October.

- Mayor Nowalk stated that the Chief reports that during the month of November, four Officers had potential exposure to COVID-19. All tested negative twice, however, accompanying mandatory quarantines cost 19 days of lost work. Mr. McKown stated that the Borough should keep track of COVID related off days as there is potential for reimbursement later.
- Mayor Nowalk stated that the Chief reports that all Officers qualified with the new Patrol rifles this month. Training was held at Steel Rivers Range in Elizabeth.
- Mayor Nowalk stated that the Chief reports that Officer Joe Lacko has returned from his Military deployment and has begun his Reintegration Training.

Mayor Nowalk stated that he received a letter from Mary DiFiore. Mr. Leventry stated that the Borough is aware of her issue and has been investigating her claims.

Mayor Nowalk stated that he recently met with residents regarding a public safety matter. He thinks Elected Officials should be allowed to use meeting rooms in the building even though the building is closed to the public. Mr. Leventry stated that the Community Room is the room set up for public meetings by Elected Officials.

Mr. Veith asked that the Mayor address the deer situation in the Borough. He thinks the Borough needs to be more aggressive. Mr. Lahr stated that Mt. Lebanon culls their deer annually and they now have a coyote issue.

Mayor Nowalk stated that the aggressive nature of the deer is the biggest issue.

Mr. Wotus stated that local news recently did a story on turkey in the Borough, which should also be addressed. He stated culls are expensive but should be investigated.

Mr. Wotus stated that recent COVID data for Allegheny County shows Whitehall Borough as the 7th highest municipality behind larger communities like Penn Hills. He inquired about where those cases are located and how to reduce the numbers. Deputy Chief Gagorik explained that HIPAA concerns restrict the County Health Department from reporting exact locations of cases. There is a possibility that the case data for Whitehall Borough includes over-posting as there are multiple zip codes within the Borough. Mayor Nowalk stated that from what he sees, residents are taking precautions.

SOLICITOR:

No report.

ENGINEER:

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

- Operations & Maintenance – Roto Rooter has completed the 2019 Sanitary Sewer Excavation Repair Contract. The post CCTV has been submitted.
- M-10 Mr. Lahr moved, seconded by Mr. Veith to approve Payment Application No. 9 and Final in the amount of \$18,568.20 to Roto Rooter Service Company. for the 2019 Sanitary Sewer Excavation Repair Contract pending review of the maintenance bond by the Solicitor. The motion carried unanimously.
- Planning & Zoning – The representatives for the Residence at Whitehall development requested a release of security for work completed to date. Based upon a site inspection of the Residence at Whitehall development performed by Gateway, it is recommended that the security, in the amount of \$664,334.00 be released contingent upon receipt of the maintenance bond.
- M-11 Mr. Wotus moved, seconded by Mr. Lahr to release the security in the amount of \$664,334.00. The motion carried unanimously.
- Planning & Zoning – Cameron General Contractors, the representatives for the South Hills Square Retirement Community development, requested a release of security for work completed to date. Based upon a site inspection of the South Hills Square Retirement Community development performed by Gateway, it is recommended that the security, in the amount of \$2,893,518.00 be released as outlined in section 6 of the Developers Agreement. A letter dated November 23, 2020 was provided to Whitehall outlining the security release.
- M-12 Mr. McKown moved, seconded by Mr. Lahr to release the security in the amount of \$2,893,518.00. The motion carried unanimously.
- Streets Run Storm Sewer Construction – A total of five bids were received at the bid opening on November 12th. M. O'Herron Company submitted the lowest Base Bid and Add Alternate Bid. The base bid was \$488,256.00 and the add alternate bid was \$107,059.00. M. O'Herron indicated a mathematical error in their bid and requested that their bid be withdrawn. The second low bidder is A. Folino Construction, Inc. with a Base Bid of \$659,659.00 and an Add Alternate Bid of \$188,188.00.

Mrs. DePuy inquired about the other bids received and how much more expensive they were. Mr. Rusmisl stated that the 3rd bidder was approximately \$50,000.00 higher than A. Folino.

M-13 Mr. Lahr moved, seconded by Mrs. DePuy to allow M. O'Herron Company to withdraw their bid, and to award the Streets Run Storm Sewer Project Base Bid and Add Alternate Bid to A. Folino Construction, Inc. with a total bid price of \$847,847.00. The motion carried unanimously.

Mr. Rusmisl stated that the Add Alternate Bid is strictly for Sanitary Sewer repairs in Streets Run Road. Next week, the gas company PNG is planning to start their relocation work of the gas lines currently on top of the sanitary sewer lines.

- McRoberts Road Slide – A total of three bids were received at the bid opening on November 12th. JG Contracting Company submitted the lowest base bid with a price of \$179,566.00.

M-14 Mr. Veith moved, seconded by Mr. Lahr to award the McRoberts Road Slide Project to JG Contracting Company with a total base bid price of \$179,566.00. The motion carried unanimously.

This project was a rebid and came in \$100,000 less than the initial bids.

Mr. Rusmisl had motions regarding two subdivision plan applications.

The first motion is in reference to 2020-SLD-09 Grove Point e Revised Second Amendment.

Mr. Rusmisl stated that staff requests Council consider a motion to act on 2020-SLD-09 Grove Pointe Revised Second Amendment Subdivision Plan Application. The applicant requests subdivision plan application approval to adjust interior property lines of six townhouse units (127-137 Providence Way). The parcels are located in Residence District R-7. This subdivision plan application is a revision from a plan previously approved (2020-SLD-03 Grove Pointe Second Amendment). At its November 11, 2020 meeting, the Planning Commission recommended conditional approval of the application. Staff recommends Council grant approval of the 2020-SLD-09 Grove Pointe Revised Second Amendment subdivision plan application.

M-15 Mr. Wotus moved, seconded by Mr. Lahr to grant approval of the 2020-SLD-09 Grove Pointe Revised 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 November 5, 2020 and November 9, 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 & Code Enforcement Review Memorandum. The applicant shall address all outstanding issues referenced in the Borough Director of Planning, Zoning & Code Enforcement's memorandum dated November 10, 2020, in a manner acceptable to the Borough Director of Planning, Zoning & Code Enforcement. 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 motion is in reference to 2020-SLD-10 Grove Point e Sixth Amendment.

Mr. Rusmisl stated that staff requests Council consider a motion to act on 2020-SLD-10 Grove Pointe Sixth Amendment Subdivision Plan Application. The applicant requests subdivision plan application approval to adjust interior property lines of five townhouse units (110-118 Providence Way). The parcels are located in Residence District R-7. At its November 11, 2020 meeting, the Planning Commission recommended conditional approval of the application. Staff recommends Council grant approval of the 2020-SLD-10 Grove Pointe Sixth Amendment subdivision plan application.

M-16 Mr. Wotus moved, seconded by Mr. Lahr to grant approval of the 2020-SLD-10 Grove Pointe Sixth Amendment subdivision plan application subject to the following conditions:

1. Borough Engineer's Review Letter. The applicant shall address all outstanding issues referenced in the Borough Engineer's review letters dated November 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 & Code Enforcement Review Memorandum. The applicant shall address all outstanding issues referenced in the Borough Director of Planning, Zoning & Code Enforcement's memorandum dated November 10, 2020, in a manner acceptable to the Borough Director of Planning, Zoning & Code Enforcement. 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.

MANAGER:

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

- Utility Paving – Per Council’s request, we have determined that the roads that will be paved (entirely or partially) by various utility companies include McKee, Orchard Hill, Greenridge and Southvue.
- Janitorial Position – The individual recently hired for the second janitorial position has decided to leave the position. We are currently looking to hire a replacement and have posted the position on the Borough website and Recreation Facebook page. There is one person interested thus far.
- Boards & Commissions – Council was given a highlighted list of the individuals whose term on various boards and commissions expire at the end of the year.

M-17 Mr. McKown moved, seconded by Mr. Lahr to instruct Mr. Leventry to contact the individuals with terms expiring at the end of 2020 to see if they wish to serve another term. The motion carried unanimously.

Mr. Leventry stated that the Recreation Board is currently not meeting but there is already one individual interested in serving.

ASSISTANT MANAGER:

No report.

RECREATION:

Mr. Nagy inquired about a check for Slapsticks Production that he signed this evening. Mr. Leventry stated that Whitehall Borough Recreation is co-sponsoring a movie event at Caste Village Light Up Night on Friday.

ADMINISTRATIVE SERVICES:

No report.

LIBRARY:

No report.

PLANNING & ZONING:

Mr. Wotus stated that there are 2 vacancies on the Planning Commission.

M-18 Mr. Wotus moved, seconded by Mr. Veith to appoint Mary Agnes Galvin, E. Brightview Avenue, to the Planning Commission for a term ending December 31, 2023. The motion carried unanimously.

M-19 Mr. Wotus moved, seconded by Mr. Veith to appoint Tristan Lucchetti, W. Barlind Drive, to the Planning Commission for a term ending December 31, 2023. The motion carried unanimously.

Mr. Wotus stated that the Solicitor provided the Planning and Zoning Committee with a preliminary Fireworks Ordinance.

PUBLIC WORKS:

Ms. Book stated that Public Works crews were out yesterday with the first snowfall of the season. Mr. Leventry stated that crews are using salt from the old salt bay first, before using the salt in the new Salt Dome.

Mr. Leventry stated that he has a conference call scheduled with Ms. Wertz, Mr. Firman and Mr. Rusmiser next week to discuss the potential sale of the Borough's Sanitary Sewer System.

PUBLIC SAFETY:

Mr. McKown provided an update on MRTSA.

NEW BUSINESS:

Mr. Veith stated that received a letter from Landmark regarding a buyout of the cell tower lease.

ADJORNMENT:

M-20 Ms. Book moved, seconded by Mr. Lahr to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:33 PM.

READ AND APPROVED THIS DAY OF DECEMBER 16, 2020:

Manager