

BOROUGH OF WHITEHALL

**INDEX
MINUTES OF THE OCTOBER 5, 2022 COUNCIL MEETING**

	Motion	Page
Continue Public Hearing – 2022-CU-02 Clean Express Auto Wash	M-1	3
Bills, Payroll - Approve	M-2,3,4	3
September 21, 2022 Meeting Minutes - Approve	M-5	4
Read Storage of Refuse Containers Ordinance in its Entirety	M-6	5
Adopt Ordinance No. 1160	M-7	5
Pay Application 2 for the 2022 Sanitary Sewer Excavation to Roto Rooter	M-8	5
Pay Application 1 for the 2022 Capital Lining Program to Insight Pipe	M-9	6
Eleventh Request for Reduction in Security – Grove Pointe Phase II	M-10	6
Pay Application 6 for the Whitehall Pool Improvement to Nello	M-11	6
Pay Application 5 for the Whitehall Pool Improvement to Merit Electrical	M-12	6
Pay Application 4 for the Whitehall Pool Improvement to First American	M-13	6
Read Tennis Court Refurbishment Resolution in its Entirety	M-14	7
Adopt Resolution No. 1010	M-15	7
Read Overlook Rehabilitation Resolution in its Entirety	M-16	8
Adopt Resolution No. 1011	M-17	8
Authorize Proper Borough Officials to Sign Letter of Cash Commitment	M-18	8
Loan Artwork to the Whitehall Borough Historical Society	M-19	8
Approve Quote from Merit Electrical for Security Cameras at the Pool	M-20	8
Authorize Proper Borough Officials to Sign ALCOSAN GROW Agreement	M-21	8
Authorize the Proper Borough Officials to Sign SHACOG O&M Year 12	M-22	9
Authorize the Chief of Police to Apply for the PCCD Grant	M-23	9
Additional Motion – Repeal Chapter 153 of the Borough Code	M-24	10
Recess	M-25	11
Adjournment	M-26	11

BOROUGH OF WHITEHALL

Regular Meeting October 5, 2022

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, October 5, 2022, at 7:00 PM, for a regular meeting. President Lahr announced that all meetings will be recorded auditorily and visually. President Lahr called the meeting to order, followed by the Pledge of Allegiance.

ROLL CALL:

Present:

Linda J. Book
Kathleen N. DePuy – Arrived at 8:07 PM
Philip J. Lahr
Glenn P. Nagy
Robert J. McKown
Stone Sobieralski
William J. Veith
James F. Nowalk, Mayor
Irving Firman, Solicitor – Arrived at 7:14 PM
Scott Rusmiser, Engineer

STAFF:

Courtney M. Wertz, Borough Manager
Jason C. Gagorik, Chief of Police
Scott Dellett, Director of Planning, Zoning & Code Enforcement
Alyssa M. Rogalla, Administrative Assistant

CITIZENS' REQUESTS:

Donna McCrea, 305 Southvue Drive, appeared before Council to inquire about the two trees that were discussed at the last Council Meeting that are marked to be removed in Brennan Plaza. The Shade Tree Commission's certified arborist recommends pruning the sycamore and honey locust trees. Ms. McCrea requested a pruning line item for the 2023 Budget.

Ms. Wertz stated that she has a more detailed report on the trees marked in Brennan Plaza that will be presented under the Manager's report.

Hal Plusa, 4647 Doverdell Drive, appeared before Council to ask when and where the Deer Management Program will take place.

Mayor Nowalk stated that the Deer Management Program began on September 18, 2022, the first day of archery season in Allegheny County. The State sanctioned archery season begins on October 1, 2022. The Borough does not know specific locations of archers, as the locations are handled by Suburban Wildlife.

Chief Gagorik stated that Suburban Wildlife is focusing on large, wooded tracts of land that butt up against residential properties in the Borough. Hunting activities will only occur in these areas with permission of the property owners.

PUBLIC HEARING – 2022-CU-02 CLEAN EXPRESS AUTO WASH

Mr. Firman turned the meeting over to Mr. Dellett.

Mr. Dellett stated that the applicant requests conditional use approval to construct and operate a car wash at 2929 Clairton Boulevard. This property is currently a Marathon gas station and is in the Borough's Commercial District C-4. The applicant will have to meet the following Requirements pursuant to Section 180.89.4.13 of the Borough Code:

180.89.4.13.1. The proposed use will not endanger the public health, safety, or welfare if located where proposed, and the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.

180.89.4.13.2. The proposed use meets all applicable dimensional, LOT and yard regulations for the C-4 District, all other express standards and criteria for comparable uses, and any other requirements of this Chapter for the C-4 Districts.

180.89.4.13.3. The proposed use shall be in compliance with all other standards of this Chapter and all other Borough Ordinances.

180.89.4.13.4. Hours of operation and activities shall be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

180.89.4.13.5. A photometric plan shall be provided. Lighting shall be oriented away from adjacent properties and shall not exceed 0.1 foot-candle of illumination when measured from an adjacent LOT line. As part of its decision, Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impact on adjoining properties.

180.89.4.13.6. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.

180.89.4.13.7. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

180.89.4.13.8. the location of buildings and structures shall be designed to minimize impact on adjacent residential properties.

180.89.4.13.9. A traffic study in accordance with Section 180.93 shall be required.

Mr. Dellett stated that at its September 7, 2022 meeting the Planning Commission reviewed the conditional use and accompanying land development (site plan) applications. The Planning Commission tabled the applications to allow the applicant to address outstanding issues. The applicant is seeking relief from the Zoning Hearing Board for two items – a special exception to permit 21 parking spaces in the front yard and storage of a refuse container in front of the building. The property is split between Whitehall Borough and Brentwood Borough.

Mr. Dellett turned the meeting over to the applicants, Joe Bertucci and Andrew Holsopple to give a presentation.

Council had a lengthy discussion with the applicants.

After the presentation, Mr. Firman asked if the public had any comments. There were none.

M-1 Mr. McKown moved, seconded by Ms. Book to continue the Public Hearing until the November 16, 2022 Council Meeting. The motion carried unanimously.

CONSIDERATION OF BILLS & PAYROLL:

M-2 Mr. McKown moved, seconded by Ms. Book, that the bills contained on the bill list presented to Council on October 5, 2022 for \$1,381,954.18 from the General Fund, \$22,535.24 from the Storm Sewer Fund, \$32,509.47 from the Sanitary Sewer Fund, \$20,171.54 from the 2022 Construction Fund, and \$319,546.24 from the Liquid Fuels Fund be approved. The motion carried unanimously.

M-3 Mr. McKown moved, seconded by Ms. Book, that checks and transfers for \$10,205.09 from the General Fund and \$66,758.34 from the Payroll Fund be ratified. The motion carried unanimously.

M-4 Mr. McKown moved, seconded by Ms. Book, that General Fund payroll for the period ending September 23, 2022 for \$155,879.71 as presented to Council on October 5, 2022 be ratified. The motion carried unanimously.

Mr. McKown stated that the General Fund total was high due to the MMOs for the pensions plans.

CONSIDERATION OF MINUTES:

Mayor Nowalk would like to clarify on page 5, that Bethel Park has the highest rate of deer removed, but Whitehall has a significantly higher rate per square mile.

M-4 Mr. Veith moved, seconded by Mr. McKown to approve the Minutes of the September 21, 2022 Council Meeting with correction. The motion carried unanimously.

MAYOR:

Mayor Nowalk presented his Police report for September 2022:

EMS Assists.....	171
Court/Hearings/Pretrial	142
Accidents	19
Criminal Arrests (DUI – 1)	20
Traffic Stops	117
Traffic Details	97
Written Traffic Citations.	79
Written Warnings Traffic Violations.	86

Total amount of money collected and turned over to the Borough during September 2022 amounted to \$2,851.85 The breakdown is as follows:

MVC from District Magistrate	\$638.06
Crimes Code & Code Violations from District Magistrate....	\$768.96
Parking Fines	\$580.00
Copies	\$105.00
Fines from Clerk of Courts	\$759.83

Mayor Nowalk stated that Chief Gagorik reports that Officer Smith plans to organize a Christmas card design contest with 4th grade students. One design will be chosen from Baldwin-Whitehall Elementary students and one design will be chosen from Mother of Mercy Academy. These designs will be used to create the 2022 Christmas card for the Whitehall Police Department.

Mayor Nowalk stated that Chief Gagorik reports that Officer Scott Brown was recognized this afternoon for outstanding performance at the annual Law Enforcement Agency Director Awards for his role in helping to dismantle a violent drug organization in Hazelwood while working for the City of Pittsburgh Police Department.

Mayor Nowalk stated that the Chief J. William Schmitt sign dedication went extremely well. Chief Schmitt was a 47-year employee of Whitehall Police Department and was Police Chief for 31 years. His accomplishments surpassed all expectations and there is no one more deserving of this recognition.

Mr. Lahr stated that Chief Schmitt was an excellent Chief, with many accomplishments and it was an honor to have him at Whitehall Borough.

Mayor Nowalk stated that he attended the Scott Hirsh Sign Instillation Ceremony earlier today. The sign instillation is in memory of Mr. Scott Hirsh, a Whitehall Resident, who was tragically killed on I-279 near the Perrysville Interchange in Ross Township.

SOLICITOR:

Mr. Firman stated that an Ordinance has been prepared amending Chapter 104, "Garbage, Rubbish, and Refuse," Article I, "Solid Waste," Section 104.4.5.6. of the Code of the Borough of Whitehall to allow Borough-issued refuse or recycling containers to be placed against the building for storage in particular circumstances.

M-6 Mr. Veith moved, seconded by Ms. Book to read the proposed Ordinance in its entirety. The motion carried unanimously.

M-7 After the reading of the Ordinance, Mr. McKown moved for adoption. Mr. Veith seconded the motion. On a roll call vote, Ms. Book, Mr. Lahr, Mr. Nagy, Mr. McKown, Mr. Sobieralski, and Mr. Veith voted yes. The motion carried unanimously. The Ordinance No. is 1160.

ENGINEER:

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

- Operations & Maintenance Plan – Roto Rooter has started work for the 2022 Sanitary Sewer Excavation Repair Contract.

M-8 Mr. McKown moved, seconded by Mr. Veith to approve Pay Application 2 in the amount of \$36,225.00 for the 2022 Sanitary Sewer Excavation Repair Contract to Roto Rooter Services, Inc. The motion carried unanimously.

Insight Pipe Contracting, LLC has started work on the 2022 Capital Lining Program.

M-9 Mr. Sobieralski moved, seconded by Ms. Book to approve Pay Application 1 in the amount of \$135,356.71 for the 2022 Whitehall Borough Manhole to Manhole Lining Program to Insight Pipe Contracting, LLC. The motion carried unanimously.

- Planning & Zoning – Engineers have received a request from Penn Cove Group Real Estate for a partial release of the Letter of Credit for work completed to date for the Grove Pointe Phase II Development.

M-10 Ms. Book moved, seconded by Mr. Sobieralski to approve the eleventh Request for Reduction in Security for the Grove Pointe Phase II Project by \$190,836.25, from \$674,566.31 to \$483,730.06. The motion carried unanimously.

- Pool Construction – Nello Construction continued framing and roofing on the concession stand, pump room, and ticket booth. Planning for the ADA switchback ramp has begun. First American Industries continued construction of the sanitary sewers in the existing bath house.

Nello Construction Company submitted their sixth Pay Application.

M-11 Ms. Book moved, seconded by Mr. Veith to approve Pay Application No. 6 in the amount of \$349,267.27 for the Whitehall Pool Improvements Contract No. 1 – General Construction to Nello Construction Company. The motion carried unanimously.

Merit Electrical Group, Inc. submitted their fifth Pay Application.

M-12 Mr. Sobieralski moved, seconded by Ms. Book to approve Pay Application No. 5 in the amount of \$5,111.02 for the Whitehall Pool Improvements Contract No. 2 – Electrical Construction to Merit Electrical Group, Inc. The motion carried unanimously.

First American Industries, Inc. submitted their fourth Pay Application.

M-13 Mr. McKown moved, seconded by Ms. Book to approve Pay Application No. 4 in the amount of \$11,020.00 for the Whitehall Pool Improvements Contract No. 3 – Plumbing Construction to First American Industries, Inc. The motion carried unanimously.

Mr. Rusmisl stated that Engineers met with Nello Construction earlier this week to discuss the plans for the switchback ramp. Nello would like to pour concrete for the switchback at one depth. The excavation would be deeper than originally planned near Borough Park Drive. Nello has requested temporarily closing Borough Park Drive during this work. Aesthetically, this does not change the plans.

M-14 Mr. Veith moved, seconded by Mr. Sobieralski to close Borough Park Drive from the Library parking lot to Southvue Drive beginning on October 7, 2022 and reopening on November 10, 2022. The motion carried unanimously.

MANAGER:

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

Ms. Wertz stated that the sycamore tree was identified to be removed due to its proximity to the stage at Brennan Plaza. The honey locust tree was identified to be removed due to its root systems proximity to the existing concrete walkway and its location on the existing slope. Ms. Wertz and the Public Works Supervisor met with an arborist from Paul's Tree Service to receive a second opinion on the trees. Paul determined the sycamore tree was about 85 years old and was not at "champion tree" level status. Future Councils will not be able to rescind "champion tree" status. If that is pursued, pruning the sycamore tree would be about \$2,000. Staff recommends budgeting money in the 2023 Budget for pruning the sycamore tree and removing the honey locust tree. Any work/removal of trees will have to be completed outside of the Pool Improvement Project.

Mr. McKown stated that these projects can be discussed for the 2023 Budget.

Ms. McCrea, 305 Southvue Drive, asked Council when the Shade Tree Commission can make requests for the 2023 Budget.

Budget meetings are open to the public and have been advertised for November 5, November 12, and November 19.

- Tennis Court Refurbishment – A Resolution is need as part of the Allegheny County Gaming, Economic and Tourism Fund Grant application.

M-14 Mr. McKown moved, seconded by Mrs. DePuy to read the proposed Resolution in its entirety. The motion carried unanimously.

M-15 After the reading of the Resolution, Mr. McKown moved for adoption. Mrs. DePuy seconded the motion. On a roll call vote, Ms. Book, Mrs. DePuy Mr. Lahr, Mr. Nagy, Mr. McKown, Mr. Sobieralski, and Mr. Veith voted yes. The motion carried unanimously. The Resolution No. is 1010.

- Overlook Park Rehabilitation – A Resolution is needed as part of the DCNR Grant application for the Overlook Park Rehabilitation Project. A Letter of Cash Commitment is also needed for the grant application.
- M-16 Mrs. DePuy moved, seconded by Ms. Book to read the proposed Resolution in its entirety. The motion carried unanimously.
- M-17 After the reading of the Resolution, Mr. McKown moved for adoption. Mrs. DePuy seconded the motion. On a roll call vote, Ms. Book, Mrs. DePuy Mr. Lahr, Mr. Nagy, Mr. McKown, Mr. Sobieralski, and Mr. Veith voted yes. The motion carried unanimously. The Resolution No. is 1011.
- M-18 Mr. McKown moved, seconded by Ms. Book to authorize the proper Borough Officials to sign the Letter of Cash Commitment for the DCNR Grant application. The motion carried unanimously.
- Historical Society Request – The Whitehall Borough Historical Society is requesting permission to borrow several Borough pictures for an exhibit at the Whitehall Public Library early next year in honor of the Borough's 75th Anniversary.
- M-19 Mr. McKown moved, seconded by Ms. Book to loan artwork to the Whitehall Historical Society for temporary display at the Whitehall Library. The motion carried unanimously.
- Security Camera Project – Whitehall Swimming Pool – A quote was received from Merit Electrical for work related to the installation of security cameras at the pool. This preparation work is required if Council wants to install the cameras at the pool complex next year. The quote was for \$35,804.84.
- M-20 Mr. McKown moved, seconded by Ms. Book to approve the quote provided by Merit Electrical for work related to security cameras at the Swimming Pool. The motion carried unanimously.
- Highgrove Road Sanitary Sewer – ALCOSAN GROW Grant – The Borough was awarded \$254,900,00 in grant funding for the Highgrove Road Sanitary Sewer Improvement Project. This represents 16% of the total project cost.
-
- M-21 Mr. McKown moved, seconded by Mr. Veith to authorize the proper Borough Officials to sign the ALCOSAN GROW Grant Agreement. The motion carried unanimously.

- SHACOG Joint O&M Year 12 – Contracts for the Year 12 Preventive Maintenance Program have been executed. SHACOG has prepared an agreement for the work.

M-22 Ms. Book moved, seconded by Mr. Sobieralski to authorize the proper Borough Officials to sign the SHACOG Joint O&M Year 12 Agreement. The motion carried unanimously.

Ms. Wertz stated that Staff renewed the Public Officials and Police liability policies today. These policies explicitly exclude cyber security. Ms. Wertz asked if Council had any interest in coverage for cyber security. Council concurred. Ms. Wertz will gather information for the 2023 Budget.

Ms. Wertz requested an Executive Session for a matter regarding personnel.

LIBRARY:

No report.

PUBLIC WORKS:

No report.

PUBLIC SAFETY:

Mr. Veith stated that Chief Gagorik reports that a grant application is being prepared for the Local Law Enforcement Grant Program funded through the Pennsylvania Commission on Crime and Delinquency. Items include a software upgrade for the Departments records management system; policy development software to assist with achieving accreditation, and additional in-car cameras and mobile data terminals.

M-23 Mr. Veith moved, seconded by Ms. Book to authorize the Chief of Police to apply for the PCCD Grant. The motion carried unanimously.

RECREATION:

Recreation Director, Hannah Bower gave a report.

ADMINISTRATIVE SERVICES:

Mr. McKown stated that Code Enforcement Officer, Marc Zeoli received an award from Animal Friends for his outstanding work during an investigation on South Passage Drive.

Mr. McKown requested an Executive Session for matters regarding personnel.

PLANNING & ZONING:

Mr. Sobieralski stated that he would like to repeal Chapter 153 – Stormwater Management from the Borough Code.

M-24 Mr. Sobieralski moved, seconded by Mr. McKown to add a motion to the Agenda to repeal Chapter 153 – Stormwater Management from the Borough Code. The motion carried unanimously.

Mrs. DePuy stated that Staff should have recommendations and a new Ordinance prepared before repealing the entire Chapter.

Mr. McKown stated that Staff should investigate changes to the Ordinance.

Mr. Lahr stated that he would like Staff recommendations on the Stormwater Management Ordinance to be presented to Council by the November 16, 2022 Council Meeting.

PARKS:

No report.

DELEGATE REPORTS:

ACBA – Ms. Book stated that the Board of Directors election will be held on November 3, 2022.

PSAB – Ms. Book stated that she is working with the Borough News Magazine Editor to add an article celebrating Whitehall Borough's 75th anniversary. The Resolutions that were adopted in 2020, 2021, and 2022 are still active in Harrisburg until 2025. This includes RADAR, infrastructure, and online advertising. Mayor Nowalk gave a RADAR update.

CHAMBER OF COMMERCE – No report.

MRTSA – Mr. McKown stated that Brentwood Borough rejected MRTSA's RFP.

SHACOG – Mr. Veith stated that the Annual dinner will be held on October 20, 2022 at Nevillewood.

NEW BUSINESS:

Ms. Book stated that she attended the Wesley High School Turf Field opening and it was a great event.

Ms. Book stated that the Veterans Day Ceremony will be held on November 11, 2022 at 7 PM in the Community Room.

RECESS:

M-25 Mr. McKown moved, seconded by Ms. Book to recess the meeting to Executive Session. The motion carried unanimously.

The meeting recessed at 9:05 PM.

The meeting reconvened at 9:43 PM.

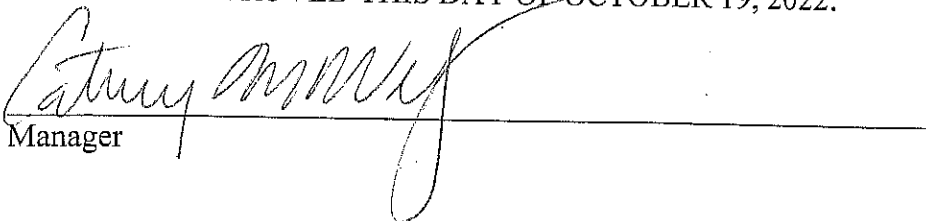
No action was taken.

ADJORNMENT:

M-26 Ms. Book moved, seconded by Mr. Veith to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:44 PM.

READ AND APPROVED THIS DAY OF OCTOBER 19, 2022:


Manager