

BOROUGH OF WHITEHALL

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BOROUGH OF WHITEHALL

Regular Meeting May 17, 2023

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, May 17, 2023, at 7:00 PM, for a regular meeting. President DePuy announced that all meetings will be recorded auditorily and visually. President DePuy called the meeting to order, followed by the Pledge of Allegiance.

Mrs. DePuy stated that an Executive Session was held prior to the Council Meeting regarding matters of potential litigation.

Ms. Book read an open letter to Residents regarding the Swimming Pool Improvement Project. The latest construction schedule from the General Contractor recently provided to the Borough now indicates a tentative completion date of July 6, 2023. The delay in the completion of the project is the responsibility of the General Contractor and its Subcontractors. Since being informed of the delay, the Borough and its project professionals have requested the contractor to pursue means necessary to improve the date of completion. Immediately after the Easter holiday, attorneys from the Surety Company became involved in the project and discussions have been ongoing. The outcome of this matter will involve an assessment of potential damages and potential litigation. The Borough Solicitor is handling those matters. Elected Officials have previously been hesitant to announce an official opening date as a realistic and accurate schedule did not lend them the confidence to publicize one. Prematurely announcing an opening date only leads to disappointment as legal discussions continue. Amendments to the Pool Pass pricing structure will be discussed at the June 7, 2023 Council Meeting. Until further decisions can be made, pool pass sales have been suspended.

ROLL CALL:

Present: Kathleen N. DePuy
Linda J. Book
Glenn P. Nagy
Philip J. Lahr
Robert J. McKown
Stone Sobieralski
William J. Veith
James F. Nowalk, Mayor
Irving Firman, Solicitor
Scott Rusmisl, Engineer

STAFF:

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

CITIZENS' REQUESTS:

Donna McCrea, 305 Southvue Drive, appeared before Council to request that the motion on the Agenda to relocate 5 trees to the perimeter of Frank Park be tabled until another meeting can be held with the Shade Tree Commission and Representatives from Youth Lacrosse. Mrs. McCrea requested that other alternatives for youth sports activities be looked at. Ms. Book asked that Mrs. McCrea include the Recreation Director in future meetings.

Helen Dubina, 4008 Provost Road, appeared before Council to thank Council for their efforts regarding the Deer Management Program and ask that they continue to budget for this program.

Carol Serafini, 4904 Leona Drive, appeared before Council to ask why Borough Residents were not hired for the Concession Stand at the Pool. Mrs. DePuy stated that the Borough has been contracting services for the concession stand for over 10 years.

Chris Mooney, 4411 E. Lawnview Drive, appeared before Council as a Representative of the Republican Committee to express his concerns about the lack of civility during the recent primary election.

Jane Casciato, 5348 Highgrove Road, appeared before Council to express her concerns regarding the shameful political discourse occurring in the Borough. The signs that were posted at her polling place were appalling. Ms. Casciato also discussed the fake news article that she received in the mail about Borough Council. Ms. Casciato stated that obtaining a \$7.5 million loan at 2.2% is unheard of and she will be watching the new Council closely.

CONSIDERATION OF BILLS & PAYROLL:

- M-1 Mr. McKown moved, seconded by Ms. Book, that the bills contained on the bill list presented to Council on May 17, 2023 for \$313,224.05 from the General Fund, \$3,887.30 from the Storm Sewer Fund, \$87,833.78 from the Sanitary Sewer Fund, \$63,199.87 from the Capital Projects Fund and \$3,911.75 from the Local Fiscal Recovery Fund be approved. The motion carried unanimously.
- M-2 Ms. Book moved, seconded by Mr. McKown, that checks and transfers for \$103,561.26 from the General Fund \$2,496.32 from the Capital Projects Fund, and \$53,346.77 from the Payroll Fund be ratified. The motion carried unanimously.
- M-3 Mr. McKown moved, seconded by Ms. Book, that General Fund payroll for the period ending May 5, 2023 for \$165,601.73 as presented to Council on May 17, 2023 be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES:

M-4 Mr. Lahr moved, seconded by Ms. Book to approve the Minutes of the May 3, 2023 Council Meeting as presented. The motion carried unanimously.

MAYOR:

The April Animal Control Report was not available.

Mayor Nowalk stated that Chief Gagorik reports that Officer Nathan Meyer was selected to be a Crisis Negotiator with the SHACOG Critical Incident Response Team. Officer Meyer will be the 3rd Whitehall Police Officer to represent the Department as a CIRT Negotiator.

Mayor Nowalk stated that Chief Gagorik reports that the Whitehall Police Department has been working on several traffic related issues within the Borough, including:

- Chief Gagorik met with the President of the Grove Pointe Homeowners Association regarding on-street parking concerns within the plan as well as vehicles using their private walking trail along Hamilton Road as a parking pad.
- Chief Gagorik met with the Principal for Mother of Mercy Academy to work on minimizing the traffic congestion on Windvale Drive and Baptist Road during afternoon dismissal. The goal is to have a permanent solution in place for the beginning of the 2023-2024 school year.
- Deputy Chief Gaebel met with the Road Crew to begin the process of installing the mid-block cross walk on Weyman Road.
- Deputy Chief Gaebel continues to research traffic calming devices for traffic related complaints throughout the Borough.

Mayor Nowalk stated that Chief Gagorik reports that all Whitehall Police Officers completed annual firearms qualifications last week at the Steel Rivers Training Facility in Elizabeth Township.

Mayor Nowalk stated that Chief Gagorik reports that Officer Branden Seese completed a 40-hour online training course to assist with accident reconstruction. He is now able to download and analyze the Event Data Recorder from a motor vehicle to determine vehicle speed at time of crash and driver inputs such as acceleration, braking, oversteering and terminal velocity.

Mayor Nowalk stated that he would like to issue a proclamation for a Resident who is turning 100 years old. Council has no objections.

Mayor Nowalk stated that local government affects Residents the most, from trash removal to snow removal, and it is easy for the public to be misinformed. He never thought misinformation would be so prevalent in Whitehall Borough and that the outcome of the primary election would be changed so dramatically due to misinformation. The Elected Officials have been responsible with taxpayer money, and Borough taxes have been lowered 3 times in the past 20 years. This is not about the outcome of the Election, if Residents want to put up signs that state "Change Whitehall Council" they are free to do so. Instead, an anonymous and cowardly letter was sent to select Resident homes regarding Council having to pay thousands on a lawsuit in 2008. The truth is that the Elected Officials did not pay one taxpayer dime in that lawsuit, as the letter suggested. The Solicitor fees were covered by the Borough's insurance. The lawsuit occurred due to the contractor ripping up Residents yards and not providing restoration. Therefore, Council asked that Solicitor what could be done legally.

Julia Donohue, 4851 Flamingo Drive, stated that the candidates were also upset about the letter anonymously sent to Residents.

Mayor Nowalk stated that a sign was posted at the polls stating that Whitehall Borough is \$10 million in debt. That money was borrowed to maintain sanitary and storm sewers, to build the Whitehall Fire Company a new Fire Station, and to build the Whitehall Swimming Pool. If money was not borrowed, Residents would not have storm sewers maintained, the Fire Company would not have a building for their fire trucks, and there would not be a Whitehall Swimming Pool. Loans are essential so taxpayer money is not taken from the General Fund.

Mayor Nowalk stated that the Residents of Whitehall lost an invaluable member of this Council, Bob McKown, CPA. He was trustee and treasurer of Whitehall Borough Public Library. Mr. McKown serves as a director of the Medical Rescue Team South, is its past chairman and treasurer and has chaired its Legal and Finance Committee. Mr. McKown is a director and past treasurer of the Friends of Whitehall Library, and past director of the South Hills YMCA Board of Management. In addition, Mr. McKown is a Master Mason and a member of Greater South Hills Lodge No. 684. He is also past president of the Brentwood Baldwin Whitehall Chamber of Commerce and treasurer of the Brentwood Business Owners Association. As an active community person, he has been involved with Baldwin High School's Music Patron Organization and the Baldwin-Whitehall PTA.

SOLICITOR:

No report.

ENGINEER:

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

- Pollution Reduction Plan – Two bids were received at the bid opening on May 10, 2023 for the Streets Run Stream Restoration Project. All bids submitted met the requirements for bidding. C. Crump, Inc., submitted the lowest bid with a base bid total of \$101,000.00.

M-5 Ms. Book moved, seconded by Mr. McKown to award the Streets Run Stream Restoration Project to C. Crump, Inc. with a total base bid price of \$101,000.00. The motion carried unanimously.

Three bids were received at the bid opening on May 10, 2023 for the Sawmill Run Stream Restoration Project. All bids submitted met the requirements for bidding. C. Crump, Inc. submitted the lowest bid with a base bid total of \$105,050.00.

M-6 Mr. McKown moved, seconded by Ms. Book to award the Sawmill Run Stream Restoration Project to C. Crump, Inc. with a total base bid price of \$105,050.00. The motion carried unanimously.

- Pool Construction – Nello Construction submitted their 13th Pay Application. Engineers have reviewed the Pay Application and recommend payment contingent on receiving the required certified payrolls, surety form and change order.

M-7 Mr. McKown moved, seconded by Mr. Veith to approve Pay Application No. 13 in the amount of \$323,221.49 for the Whitehall Pool Improvements Contract No. 1 – General Construction to Nello Construction Company contingent upon receiving the required payroll and change order documents. The motion carried unanimously.

Merit Electrical Group, Inc. submitted their 12th Pay Application.

M-8 Ms. Book moved, seconded by Mr. Lahr to approve Pay Application No. 12 in the amount of \$65,570.06 for the Whitehall Pool Improvements Contract No. 2 – Electrical Construction to Merit Electrical Group, Inc. The motion carried unanimously.

First American Industries submitted their 7th Pay Application. Engineers have reviewed the Pay Application and recommend payment contingent on receiving the required certified payrolls.

M-9 Mr. McKown moved, seconded by Mr. Lahr to approve Pay Application No. 7 in the amount of \$37,135.50 for the Whitehall Pool Improvements Contract No. 3 – Plumbing Construction to First American Industries, Inc. contingent upon receiving the required certified payroll. The motion carried unanimously.

East West Manufacturing and Supply Co., Inc. submitted their 2nd Pay Application. Engineers have reviewed the Pay Application and recommend payment contingent on receiving the required certified payroll.

M-10 Ms. Book moved, seconded by Mr. Lahr to approve Pay Application No. 2 in the amount of \$6,954.00 for the Whitehall Pool Improvements Contract No. 4 – Mechanical Construction to East West Manufacturing and Supply Co., Inc. contingent upon receiving the required certified payroll. The motion carried unanimously.

- RT 51 Grinder Pump – First American Industries finished the pump installation and repaired the pavement on February 20. First American Industries, Inc. submitted their 1st Pay Application.

M-11 Mr. Lahr moved, seconded by Ms. Book to approve Pay Application No. 1 in the amount of \$27,075.00 for the Grinder Pump Installation Project to First American Industries, Inc. The motion carried unanimously.

MANAGER:

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

- National Opioid Settlement – The Resolution has been on public display for two weeks.

M-12 Mr. McKown moved, seconded by Ms. Book to read the proposed Resolution in summary form. The motion carried unanimously.

M-13 After the summary reading of the Resolution, 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. Sobieralski voted yes. The motion carried unanimously. The Resolution No. is 1016.

- SHACOG Salt Contract – Cargill has once again offered to store rock salt not yet purchased for the 2022-2023 winter season minimum. While the Borough intends to purchase the remaining 850 tons on the contract prior to June 30, Staff asks that Council authorize the proper Borough Officials to sign the contract amendment as a backup.

M-14 Ms. Book moved, seconded by Mr. Veith to authorize the proper Borough Officials to sign the SHACOG Salt Contract amendment. The motion carried unanimously.

- Pool Construction Management Services – The Borough’s extended agreement with Massaro CM Services ends May 31, 2023. As the project is ongoing, Staff recommends continuing services. The Site Manager must leave the project for another assignment. Massaro CM can provide site reviews on a part-time basis totaling 8-10 hours per week at hourly rates established in the contract. Closeout services are already included in the contract.

M-15 Mr. McKown moved, seconded by Mr. Veith to extend Pool Construction Management Services on a part-time basis at hourly rates established in the contract. The motion carried unanimously.

- GET Solar CONNECT – The Borough’s application for the GET Solar CONNECT Program was accepted. A Memorandum of Understanding is needed before entering into the Request for Proposal Phase.

M-16 Mr. McKown moved, seconded by Mr. Lahr to authorize the proper Borough Officials to sign the Memorandum of Understanding for the GET Solar CONNECT Program pending the Borough Solicitor’s review. The motion carried unanimously.

- Insurance Policies – In preparation for Summer Camp, the insurance company alerted Staff that Abuse & Molestation Coverage is no longer covered under the Borough’s General Liability Policy. A quote has been obtained for a separate policy if Council wishes to accept it. This item was not budgeted for and amounts to an additional \$2,185.00.

M-17 Mr. McKown, seconded by Ms. Book to add Abuse and Molestation Coverage to the insurance policy to be paid out of the General Fund. The motion carried unanimously.

Ms. Wertz stated that four motions will need to be added to the Agenda due to time restraints.

M-18 Mr. McKown moved, seconded by Ms. Book to add a motion to the Agenda to automatically issue full refunds to all pool pass holders due to time restraints. The motion carried unanimously.

M-19 Mr. McKown moved, seconded by Mr. Sobieralski to automatically issue full refunds to all pool pass holders. The motion carried unanimously.

Lacy Thomas, 4708 Baldwin Manor Road asked Council about the pool pass fee structure.

Mr. McKown stated that the Borough is waiting for more information and the amended pool pass fee structure will be addressed at the June 7 Council Meeting.

Mr. Nagy stated that this is the easiest and cleanest way for Staff to issue refunds.

M-20 Ms. Book moved, seconded by Mr. Veith to add a motion to the Agenda to suspend pool pass sales until decisions can be made at the June 7 Council Meeting due to time restraints. The motion carried unanimously.

M-21 Mr. McKown moved, seconded by Ms. Book to suspend pool pass sales until decisions can be made at the June 7 Council Meeting. The motion carried unanimously.

M-22 Mr. Lahr moved, seconded by Mr. McKown to add a motion to the Agenda to automatically issue full refunds to water aerobics participants due to time restraints. The motion carried unanimously.

M-23 Ms. Book moved, seconded by Mr. Veith to automatically issue full refunds to water aerobics participants. The motion carried unanimously.

M-24 Mr. McKown moved, seconded by Mr. Lahr to add a motion to the Agenda to authorize work at the Swimming Pool on Memorial Day weekend due to time restraints. The motion carried unanimously.

M-25 Ms. Book moved, seconded by Mr. Lahr to authorize work at the Swimming Pool on Memorial Day weekend. The motion carried unanimously.

RECREATION:

Mrs. Bower gave a report.

M-26 Ms. Book moved, seconded by Mr. McKown to table the motion to authorize Public Works to relocate 5 trees to the perimeter of Frank Park. The motion carried unanimously.

Mrs. Bower provided Council with a copy of a proposed Disciplinary Policy for the Swimming Pool for adoption.

M-27 Ms. Book moved, seconded by Mr. McKown to table the motion to adopt the Disciplinary Policy for the Swimming Pool. The motion carried unanimously.

ADMINISTRATIVE SERVICES:

Mr. Nagy stated that Mr. Andrew Quayle, Information Technology Coordinator at West Mifflin Borough saw the 2023 Spring/Summer Magazine online and stopped into the Borough building to pick-up a couple of copies to present to West Mifflin's Borough Manager and Council. He would like to do something similar to the Borough's magazine and has been coordinating pricing and design with Ms. Rogalla.

PLANNING & ZONING:

Mr. Dellett stated that Staff requests Council consider a motion to act on the 2023-SLD-03 Grove Pointe Phase Two Second Amendment subdivision plan application. The applicant requests approval for a subdivision of Lot 22 of the Grove Pointe Residential Land Development to establish property lines along party walls of five townhouse units under construction.

Mr. Dellett stated that Staff recommends Council grant approval of 2023-SLD-03 Grove Pointe Phase Two Second Amendment combined preliminary and final subdivision plan application subject to the following conditions:

1. Borough Engineer Review Letter – The applicant shall address all outstanding issues referenced in the Borough Engineer's review letters dated April 19 and May 5, 2023, 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 and Code Review Memorandum - The applicant shall address all outstanding issues referenced in the Director of Planning, Zoning and Code's memorandum dated May 5, 2023 in a manner acceptable to the Director of Planning, Zoning and Code. Any additional issues raised by the Planning Director shall be resolved to the satisfaction of the Planning Director.
3. Review Fees – The applicant shall agree to pay all professional review fees of the Borough in connection with this application and approval.

M-28 Mr. Veith moved, seconded by Mr. Sobieralski to approve the 2023-SLD-03 Grove Pointe Phase Two Second Amendment subdivision plan application, 221-229 Chesna Drive, subject to the conditions in the Director of Planning, Zoning and Code's Review Memorandum. The motion carried unanimously.

LIBRARY:

Christy Kuhen, a member of the Library Board gave a report.

PUBLIC WORKS:

Mr. Lahr stated that Public Works is preparing to take receipt of a new iPad that will be loaded with GIS for field use. The iPad will replace the paper maps of the Borough's infrastructure and complete migration to the new system.

Mr. Lahr stated that crews are waiting for warm and dry weather to paint traffic lines, crosswalks and pickleball court lines at Snyder Park and the municipal basketball courts. Mrs. Bower will alert the pickleball groups once a firmer date is established.

PUBLIC SAFETY:

Mr. McKown stated that Chief Gagorik reports that the top 10 candidates participated in the Civil Service oral examination for Entry-Level Police Officer today. Civil Service will now tabulate the results to establish the eligibility list for Police Officer.

Mr. McKown stated that Chief Gagorik reports that the rear of police vehicle 26-1 was damaged while responding to a call for service on May 15. The Officer was not injured. The vehicle sustained \$1,342.03 in damage and is drivable until repairs are completed. An auto insurance claim will be filed with our insurance company.

Mr. McKown stated that the manufacturer has alerted The Whitehall Fire Company of years long lead times and quarterly escalations of \$72,000 due to inflation for an Aerial Truck. With the next price escalation scheduled for June 15th, there is an opportunity to place an order for a new aerial truck, locking in the 2023 price of \$1.6 Million. No payment is needed until the vehicle is delivered.

M-29 Mr. McKown moved, seconded by Ms. Book to authorize the Whitehall Fire Company to order a replacement aerial truck. The motion carried unanimously.

PARKS:

Mrs. DePuy stated that Public Works can remove the playground equipment at Overlook Park.

M-30 Ms. Book moved, seconded by Mr. Lahr to authorize Public Works to remove the playground equipment at Overlook Park. The motion carried unanimously.

NEW BUSINESS:

Mr. McKown stated that MRTSA made a mistake in billing and the bill did not include the capital portion.

M-31 Mr. McKown moved, seconded by Ms. Book to table the motion to pay \$21,876.82 to MRTSA to cover Whitehall's Capital Assessment for 2023 until the June 7 Council Meeting. The motion carried unanimously.

Ms. Book stated that the Annual Memorial Day Ceremony will be held on May 29, 2023 in the Community Room at 10:00 AM.

ADJOURNMENT:

M-32 Mr. McKown moved, seconded by Ms. Book to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:16 PM.

READ AND APPROVED THIS DAY OF JUNE 7, 2023:



Manager