

BOROUGH OF WHITEHALL

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BOROUGH OF WHITEHALL

Regular Meeting June 7, 2023

The Council of the Borough of Whitehall met at the Borough Building, 100 Borough Park Drive, Pittsburgh, Pennsylvania, Wednesday, June 7, 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.

ROLL CALL:

Present:

Linda J. Book
 Kathleen N. DePuy
 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 Bower, Parks & Recreation Director
 Alyssa M. Rogalla, Administrative Assistant

Mr. Firman stated that he was asked to provide the timeline of the Swimming Pool Construction Project including the scheduled completion date as identified by the contractor. There have been some statements issued regarding when Council knew of the pool completion date which is now estimated to be July 6, 2023.

The Pool Project went out for Bids on October 28, 2021.

On December 19, 2021, ads were placed by Council for a Construction Manager.

Bids were opened on January 11, 2022.

Bids were awarded by Council on January 19, 2022.

There were 4 prime contractors - Nello Construction – General, Merit Electrical, Inc. – Electrical, First American Industries, Inc. - Plumbing, East West Manufacturing & Supply Company, Inc. – Mechanical.

On February 11, 2022 the construction contracts were executed.

On February 16, 2022 Massaro CM Services, LLC was hired as the Construction Manager.

On March 1, 2022 the Construction project started.

From the time the project commenced Staff provided regular updates to Council. At every update through December 1, 2022 the projected completion date was April 1, 2023.

In December of 2022 the projected completion date was adjusted until April 17, 2023.

On January 18, 2023, Staff advised Borough Council that the scheduled completion date was adjusted until May 5, 2023.

On March 15, 2023 Staff advised Borough Council that the scheduled completion date was adjusted until June 1, 2023.

On May 17, 2023, Staff advised Borough Council that the scheduled completion date was adjusted until July 6, 2023.

That is the current scheduled completion date. To the extent that there are any statements or purported information to suggest the Borough Council knew that the scheduled completion date would be later than June 1, 2023 before May 17, 2023 that information is inaccurate.

Mayor Nowalk asked that Council go on record about their knowledge of the delays of the Swimming Pool Improvement Project. Mayor Nowalk stated that on April 27, he reported to a Resident that the latest construction scheduled showed a completion date of June 1. He was not aware of the adjusted schedule of a completion date of July 6 until the May 17, 2023 Council Meeting.

Mr. Nagy stated that he talks to the Borough Manager a couple times a week, and he was not aware of the adjusted schedule of a completion date of July 6 until the May 17, 2023 Council Meeting.

Mr. Veith stated that until the May 17, 2023 Council Meeting, there was no reason to believe that the completion date would not be June 1.

Mr. McKown stated that he was not aware of the adjusted schedule of a completion date of July 6 until the May 17, 2023 Council Meeting.

Mr. Lahr stated that he was also unaware until the May 17, 2023 Council Meeting of the adjusted completion schedule.

Ms. Book stated that June 1 was the project completion date until the May 17, 2023 Council Meeting.

Mrs. DePuy that the dates the Solicitor provided are the only dates that she was aware of.

Hal Plusa, 4647 Doverdell Drive, asked why the delays have been occurring.

Mr. Firman stated that the contractors are responsible for the delays and those causes will be litigated.

Mayor Nowalk stated that the point of Council stating their knowledge of the delays is due to the news media suggesting that Council was aware of the July completion date.

Mr. Lahr stated that a state-of-the-art Swimming Pool is being built for the Residents of Whitehall. The misinformation that has been on social media and in the news media is unprecedented.

Mr. Sobieralski stated that he believes he heard in a March Executive Session that the completion date was the end of June or early July.

Mr. Nagy asked Mr. Sobieralski who stated that.

Mr. Sobieralski stated that Mr. Rusmisl stated that.

Mr. Rusmisl stated that he did not make that statement.

Mr. Sobieralski asked to review recordings of Executive Sessions.

Mr. Firman stated that Executive Sessions are not recorded because matters of personnel and litigation are discussed.

Mr. Sobieralski stated that he sent an email to Council requesting that pool pass sales be stopped.

Mr. Veith stated that Mr. Sobieralski sent that email in April when pool pass sales had already begun. His concern should have been addressed when the proposal was given to Council weeks prior.

Mr. Nagy stated that Mr. Sobieralski stated that someone in Executive Session stated that the completion date would be the end of June or early July, but there were 9 other people in that room who did not hear that.

Mr. Sobieralski stated that he was concerned about pool passes being sold with the potential of delays.

Mr. Lahr stated that Mr. Sobieralski has made untrue statements on social media and in the news.

CITIZENS' REQUESTS:

Dave Thomas, 4984 Wheaton Drive appeared before Council as a representative of the Historical Society. Mr. Thomas reported on upcoming events and announced that the Street Sign Auction began on June 1, and over \$5,000.00 has been raised.

Beth Lynn Eicher, 246 Southvue Drive, appeared before Council and asked about the scope of the Overlook Park Project and the Small Games of Chance Resolution that is on the Agenda. She stated that gambling is not good for society.

Alan Biamchi, 5309 Greenridge Drive, appeared before Council to discuss a concern about activities occurring at a neighbor's residence.

Chief Gagorik stated that if a Resident sees suspicious activity, they should always call the Police Department as they are available 24/7. Social media sites are not monitored by the Borough. Concerns should be reported director to the Borough to be addressed. Chief Gagorik will be in contact with Mr. Biamchi.

Jane Casciato, 5348 Highgrove Road, appeared before Council to state that all the negativity on social media and in the news media surrounding the pool project is diminishing the value of the Community.

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 June 7, 2023 for \$222,395.20 from the General Fund, \$25,753.05 from the Storm Sewer Fund, \$120,033.06 from the Sanitary Sewer Fund, \$455,860.21 from the 2022 Construction Fund, and \$163.46 from the Capital Projects Fund be approved. The motion carried unanimously.
- M-2 Ms. Book moved, seconded by Mr. McKown, that checks and transfers for \$100,803.19 from the General Fund and \$104,991.60 from the Payroll Fund be ratified. The motion carried unanimously.
- M-3 Ms. Book moved, seconded by Mr. Veith, that General Fund payroll for the period ending May 19, 2023 for \$161,992.62 as presented to Council on June 7, 2023 be ratified. The motion carried unanimously.
- M-4 Mr. McKown moved, seconded by Mr. Lahr, that General Fund payroll for the period ending June 2, 2023 for \$166,865.17 as presented to Council on June 7, 2023 be ratified. The motion carried unanimously.

CONSIDERATION OF MINUTES:

M-5 Mr. Veith moved, seconded by Mr. McKown to approve the Minutes of the May 17, 2023 Council Meeting as presented. The motion carried unanimously.

MAYOR:

Mayor Nowalk presented the Police report for May 2023:

EMS Assists.....	166
Court/Hearings/Pretrial	114
Accidents	16
Criminal Arrests (DUI - 1)	18
Traffic Stops	174
Traffic Details	96
Written Traffic Citations.	89
Written Warnings Traffic Violations.	116

Total amount of money collected and turned over to the Borough during May 2023 amounted to \$2,806.30. The breakdown is as follows:

MVC from District Magistrate	\$952.85
Crimes Code & Code Violations from District Magistrate....	\$513.29
Parking Fines	\$810.00
Copies	\$135.00
Fines from Clerk of Courts	\$295.16

Mayor Nowalk stated that the Police Department continues to work on traffic issues within the Borough:

- Officers completed a daily traffic detail at Mother of Mercy Academy to relieve traffic congestions on Windvale and Baptist Road during dismissal.
- Adjusted the green light cycle at the Brownsville-Baptist-Provost intersection to allow more vehicles to pass through the intersection during rush hour.
- Repaired the traffic signal loop sensor at the Baptist-Doverdell-Weyman Road intersection to alleviate delays.
- Completed the mid-block cross walk on Weyman Road between Princess Lanes and Weyman Plaza.
- Requested Columbia Gas install larger Road Closed and Detour signs for motorists travelling north on Provost toward Route 51.

Police Training:

- Sergeant Hinkle and Officer Lostetter completed annual Mobile Field Force training with the SHACOG Support Team on May 19.
- Chief Gagorik completed Public Information Officer training at the Allegheny County Emergency Services on May 22-24.
- Investigator Newbould and Juvenile Officer Smith attended a Forensic Interview workshop on June 1 for crimes committed against children.

Mayor Nowalk reported on a recent fire on Bauman Ave. Two Residents assisted in helping the Resident jump from the deck, and he has asked those Residents to attend the next Council Meeting to be recognized.

Mayor Nowalk thanked Ms. Book for all her hard work for the Memorial Day Ceremony. It was a great event.

Mayor Nowalk stated that the Historical Society has requested a Small Games of Chance License. A Resolution has been prepared.

M-6 Mr. McKown moved, seconded by Mr. Veith to read the Resolution in its entirety. The motion carried unanimously.

Mrs. DePuy asked if the Small Games of Chance License obligates the Borough in any way.

Mr. Firman stated that it does not. Council is deeming the Historical Society as a Civic Organization for the statutory purpose of the Small Games of Chance License.

M-7 After the reading of the Resolution, Mr. McKown moved for adoption. Ms. Book seconded the motion. On a roll call vote, Ms. Book, Mrs. DePuy, Mr. McKown, Mr. Nagy, Mr. Veith and Mr. Sobieralski voted yes. Mr. Lahr voted no. The motion carried 6-1. The Resolution No. is 1017.

Chief Gagorik asked to address Ms. Eicher's comment from earlier regarding gambling machines in the Borough. The machines at 7/11 are not slot machines nor games of chance, the machines are considered games of skill. Whitehall Borough was one of the last communities to prohibit these machines but are now mandated by State Law.

Mr. Firman stated that State court decisions have determined these machines are games of skill, not games of chance, therefore the machines cannot be banned.

Chief Gagorik stated that there are very strict standards to have these machines. They are permitted by the Police Department and checked annually.

SOLICITOR:

Mr. Firman requested an Executive Session regarding matters of potential litigation.

ENGINEER:

- Phase II Storm Water – The Public Works Trench Separation Project is finished. Roto-Rooter submitted Pay Application No. 1.

M-8 Mr. Lahr moved, seconded by Mr. Veith to approve Pay Application No. 1 in the amount of \$33,846.98 for the PW Trench Drain Separation Repair Project to Roto-Rooter Services Company. The motion carried unanimously.

- Operations & Maintenance Plan – Roto-Rooter has started work on the 2022 CCTV Inspections Contract.

M-9 Mr. Lahr moved, seconded by Mr. McKown to approve Pay Application No. 4 in the amount of \$40,053.36 for the 2022 Whitehall Borough CCTV Inspections Contract to Roto-Rooter Services Company. The motion carried unanimously.

Roto-Rooter Services has started work on the 2022 Sanitary Sewer Excavation Repair Contract.

M-10 Ms. Book moved, seconded by Mr. Lahr to approve Pay Application No. 7 in the amount of \$25,080.00 for the 2022 Whitehall Borough Sanitary Sewer Excavation Repair Contract to Roto-Rooter Services Company. The motion carried unanimously.

State Pipe Services, Inc. has completed all work for the 2022 Spot Lining Repair Contract.

M-11 Ms. Book moved, seconded by Mr. McKown to approve Pay Application No. 1 in the amount of \$85,101.00 for the 2022 Whitehall Borough Sanitary Sewer Spot Lining Repair Contract to State Pipe Services, Inc. The motion carried unanimously.

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

M-12 Mr. Lahr moved, seconded by Ms. Book to approve Pay Application No. 2 and Final in the amount of \$44,259.04 for the Whitehall Borough 2022 Manhole to Manhole Lining Program to Insight Pipe Contracting, LLC. The motion carried unanimously.

- Overlook Park – Engineers are reviewing construction plans for the stairs, playground area, and concession stand.

Project timeline:

Bid Ad to Borough – June 21, 2023
 Date of Publication – June 29, 2023
 Prequalification to Manager – July 13, 2023
 Notice of Prequalification – July 20, 2023
 Prebid Meeting – July 26, 2023
 Bid Opening – August 9, 2023
 Potential Award – August 16, 2023

M-13 Mr. Lahr moved, seconded by Ms. Book to advertise for bids for the Phase I of the Overlook Park Improvement Project. The motion carried unanimously.

Lacey Thomas, 4807 Baldwin Manor Road, asked what amenities are being left out of the project.

Mr. Rusmisl stated that improvements to the existing baseball field, the second set of steps from Springvalley, the walking trail. This phase includes 2 family restrooms instead of 4.

Mrs. DePuy stated that those amenities have not been forgotten, they will be addressed in later phases of the project.

- Pool construction – Dom Demarco finished all the concrete flat work around the pool the week of May 15. The pool liner was delivered on May 30 and installation started later that afternoon.

MANAGER:

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

- Insurance Policies – Quotes were received for a Cyber Liability Policy for the Administrative Offices and the Police Department. The quotes total \$7,415.00 for both departments.

M-14 Mr. Lahr moved, seconded by Mr. McKown to approve the quote received for a Cyber Liability Policy for the Administrative Offices and Police Department. The motion carried unanimously.

- Borough Building Roof – The Garland Company completed a warranty inspection of the Borough Building roof last week and provided a report. The Police Department roof installed in 2020 is in good condition. However, the main Borough Building roof is approaching the end of its useful life. The roof's warranty ceases in 2025 and it will need to be replaced in the coming years. Current replacement options are estimated to be between \$600-750,000.

RECREATION:

Mrs. Bower stated that Summer Camp Staff welcomed members of the Pool Staff to Summer Camp orientation, as they will be working this year at Summer Camp until the Pool opens. Only one Pool Staff Member has declined to continue employment with the Borough. Summer Camp begins on Monday, June 19.

Mrs. Bower stated that the Recreation Department is partnering with the Library to host a Teddy Bear Picnic this Friday. The next concert in the park is on June 16 at Brennan Plaza.

Mayor Nowalk stated that he received a letter from a Resident requesting Council consider grandchildren passes for the Swimming Pool. Council had previously stated that data needed to be rendered from a pool season before making adjustments.

Council had a lengthy discussion regarding relocating 5 trees to the perimeter of Frank Park. No motions were made.

Mrs. Bower provided Council with a Pool Disciplinary Policy, an amendment to the lap lane swimming times, and a lap lane reservation process.

M-15 Ms. Book moved, seconded by Mr. Lahr to adopt the Pool Disciplinary Policy for the Swimming Pool. The motion carried unanimously.

Mrs. DePuy asked what was being changed for the lap lane swimming times.

Ms. Wertz stated that the time was extended by a half hour, from 12:00-1:00 PM.

M-16 Ms. Book moved, seconded by Mr. Lahr to amend the lap lane swimming times and adopt a lap lane reservation process. Mrs. DePuy voted no. The motion carried 6-1.

ADMINISTRATIVE SERVICES:

No report.

PLANNING & ZONING:

No report.

LIBRARY:

No report.

PUBLIC WORKS:

Mr. Lahr stated that Public Works Crews took delivery of the last salt orders for the 2022/2023 Winter Season. Quantities for the next year will be lowered slightly as the stockpile is sufficient to start the season. The new front loader has been incredibly helpful in managing the stockpile.

Mr. Lahr stated that Baldwin Borough reached out about the Borough's new street signs and is interested in following Whitehall's lead.

PUBLIC SAFETY:

Mr. McKown stated that the pension committee met with the accuracy and investment firm regarding the Borough pensions earlier this week. Ms. Wertz stated that the Borough is fully funded in both uniform and non-uniform plans.

Mr. McKown stated that Chief Gagorik requests Council consider charging \$125.00 for police report requests pursuant to Pennsylvania Act 134, and \$250.00 for police video footage requests pursuant to Pennsylvania Act 22.

M-17 Mr. McKown moved, seconded by Ms. Book to authorize the Borough Solicitor to draft an amendment to the Fee Resolution. The motion carried unanimously.

Mr. McKown stated that Chief Gagorik requests Council's permission to work with the Solicitor to develop a draft traffic calming policy to present to Council for review. Several communities in the South Hills have similar policies designed to provide clarity and a standard for its community members. Items to be considered include an official process for citizens to request a traffic study, developing criteria to justify the installation of traffic calming devices and identifying potential liability concerns and funding sources for the Borough. Council concurred.

Mr. McKown stated that Chief Gagorik reports the Civil Service Commission has certified the 2023 Eligibility list for Patrol Officer candidates. The eligibility list is posted on the bulletin board outside the administrative office.

PARKS:

No report.

DELEGATE REPORTS:

ACBA – Ms. Book stated that the quarterly meeting was held on June 1, the speaker was Cara McFadden from Allegheny County Department of Human Services. She discussed a proposed landslide protection for homeowners.

PSAB – Ms. Book stated that the annual conference was held on June 3-7.

CHAMBER OF COMMERCE – Mr. McKown stated that the Annual Golf Outing will be held on September 18, 2023.

MRTSA – Mr. McKown stated that MRTSA made a mistake in billing and bills did not include capital costs. MRTSA will absorb this cost.

SHACOG – Ms. Wertz stated that Refuse & Recycling bids were opened on June 5. The Borough is waiting for an official bid tabulation.

NEW BUSINESS:

Council tabled the motion to amend the pool pass fee structure until the June 21, 2023 Council Meeting.

Ms. Book thanked the Mayor, Dr. Rishel, the Whitehall Lions Club, and Mikey Dee for their assistance at the Memorial Day Ceremony.

ADJORNMENT:

Mr. Nagy stated that Ron Yosi is retiring and closing the Caste Village Service Station.

M-18 Mr. Nagy moved, seconded by Ms. Book to adjourn the meeting in honor of Ron Yosi and Caste Village Service Station. The motion carried unanimously.

The meeting adjourned at 8:40 PM.

READ AND APPROVED THIS DAY OF JUNE 21, 2023:



Manager