

**CASTLE SHANNON BOROUGH
MINUTES OF REGULAR MEETING**

August 27, 2018

The following elected officials were present: M. Heckmann; T. Kirsch; N. Kovach; B. Oates; M. Randazzo; D. Swisher; M. Warhold; D. Baumgarten; E. O'Malley. The following appointed officials were present: T. Hartswick, Borough Manager; D. Biondo, Solicitor; K. Truver, Police Chief; P. Vietmeier, Codes Official. K. Simms Strnisa of Simms Strnisa Court Reporting was present to record the public hearing section of the meeting.

The minutes of the August 13, 2018 Council Meeting were presented. Mr. Kirsch motioned to approve the minutes; Ms. Kovach seconded; all in favor; motion carried.

Mr. Heckmann opened the public comment section for agenda items.

Mayor Baumgarten had previously submitted his veto letter for Ordinance #913 regarding the proposed removal and protection of trees in major and minor land developments. He addressed council with further comments. The removal of trees on the Mastandrea property was necessary to level the ground for the development. This development prompted the submittal of Ordinance #913. Historically, tree removal was required to develop the apartments at Willow Avenue and Rockwood Avenue. In addition, an orchard was removed when Blossom Hill was developed for single family homes, and trees were removed for the Ellison Place project on May Street Extension. The borough is 1 ½ square miles and is 95% fully developed. There are possibly only two available parcels of land left for development, i.e. off Waverly Street and on Hamilton Road. Landscaping plans are included in all developments submitted to the planning commission. In summary, Mayor Baumgarten stated that he does not feel this ordinance has any advantage to the community and would inhibit future developments in the borough.

Debbie Gallo, 3702 Lyndell Street - asked council to adopt Ordinance #913 for the following reasons: 1) The ordinance protects residential property values. 2) The urban forest elevates property values in the entire community to provide more desirable and attractive places to live. 3) The tree ordinance is not punitive. It is a sensible ordinance in which developers can apply for variances on individual cases. Ms. Gallo referenced a report by the United States Department of Agriculture that was conducted on every parcel of land in Allegheny County. Trees are a vital asset that increases property values, saves energy by lowering temperatures, reduces storm water runoff, reduces the carbon footprint, provides wildlife habitat, and enhances quality of life. Ms. Gallo asked council to side with the financial interests of the residents of Castle Shannon, and not the financial interests of outside developers.

Patricia Shaw, 528 Gler Shannon Drive – thanked Mayor Baumgarten for his response. Ms. Shaw believes the tree ordinance should state which species of trees should be saved and/or planted, thereby eliminating poorly rooted, dead and unsightly trees.

Mark Heckmann – added that the ordinance does have stipulations for tree diversification and native trees that would fare well in the borough's climate.

The public comment section was closed.

Public Hearings: Mr. Heckmann opened the public hearing for a conditional use for Soul to Sole Healing and Massage.

Ms. Carla Palutta, Soul to Sole Healing and Massage, works with alternative forms of healing including massage, energy medicine, reflexology, acupuncture, yoga alignment, etc. The business is currently working with a non-profit organization affiliated with the Children's Hospital Oncology Department to help young cancer patients and their families heal physically, spiritually and emotionally. In addition to cancer patients, services are provided to patients with injuries and scar tissue. Ms. Kovach questioned the business hours. Hours are by appointment only – Monday through Friday and weekends. Mr. Heckmann questioned the certifications. Ms. Palutta stated that they are licensed massage professionals and continue certifications with ongoing education. Ms. Randazzo questioned if the services were paid by insurance. Ms. Palutta answered - not at this time.

Mr. Heckmann noted that the planning commission held a conditional use hearing and no issues were raised. Mr. Vietmeier confirmed that the hearing was advertised and properties posted. Ms. Kovach motioned to approve the conditional use; Ms. Randazzo seconded; all in favor; motion carried.

Mr. Heckmann presented Ordinance #913 – which was subject to a veto by Mayor Baumgarten. If an ordinance passes with less than five votes, and a veto letter is received, the ordinance is subject to a new vote. Mr. Heckmann asked council for comments on the ordinance.

Mr. Warhold believes that Section D of Appendix IV defining a tree mass an aerial canopy and tree replacement of same causes some concern. Mr. Warhold stated that Zoning Ordinance #304, for every 1500 square feet the developer must plant a tree, should be incorporated into Ordinance #913. Mr. Heckmann commented that Ordinance #913 would set standards for tree replacement. If the development site is structured with complexity, variances could be considered where appropriate; and agreements could be drafted to plant trees in other areas of the borough, such as parks.

Ms. Kovach questioned the tree status in the existing ordinance. Mr. Vietmeier answered that the planning commission reviews site plans for landscaping of developments to conform to the zoning ordinance. Mr. Heckmann stated that the zoning ordinance does not list species of trees, size of trees, replacement of trees that do not grow, etc. Ms. Kovach added that this ordinance is being considered “after the horse is out of the barn” since the borough has very little land available for development.

Debbie Gallo suggested that if a development could not accommodate the full tree replacement, the developers could provide monetary deposits to a tree fund for the parks and public areas. The borough lost 10% of our tree canopy in the last five years. Adoption of the ordinance would be proactive for future developments and to protect the current tree canopy of the borough. Mayor Baumgarten added that some neighboring communities have a tree commission.

Paul Salvayon, 528 Glen Shannon Drive – asked if the ordinance had provisions for tree replacement for utility companies for easements or right-of-ways. Mr. Vietmeier answered there are no existing provisions for that scenario. Planting trees in those areas would increase the costs, which would be passed along to residents through utility bills.

Randy Rohe, 3512 Middleboro Road – stated that removal of trees adds to MS4 storm water influence of Saw Mill Run Creek. Mr. Heckmann answered that storm water plan accommodations are required for new site developments.

Mr. Heckmann read Ordinance #913 governing the proposed removal and protection of trees in major and minor land developments. Mr. Oates motioned to override the veto of Mayor Baumgarten on Ordinance #913 and adopt the ordinance; Mr. Swisher seconded. A roll call vote was held: Mr. Swisher – no; Mr. Warhold – no; Ms. Kovach – no; Ms. Randazzo – yes; Mr. Oates – yes; Mr. Kirsch – no; Mr. Heckmann – yes. The ordinance did not pass. Mr. Warhold added he would like to see the ordinance revisited with additional clarifications. The legislation would have to be reintroduced with edits.

Real Estate: Ms. O'Malley reported July collections of \$25,215.16 with total collections at \$3,011,663.01.

Council Committee Reports:

Public Relations/Communications – Mr. Heckmann stated the new borough website is live and staff is being trained to input content.

Public Safety/Fire – SHACOG conducted a civil service test on August 11th. Out of 102 applicants, nineteen did not show up. Four applicants failed the physical agility test. Seventy-nine passed the physical test, and sixty-nine passed the written test and applied to Castle Shannon. Interviews for the top 15 applicants will be scheduled to create an eligibility list.

Applications for Small Business Loans can be found on the website for the June 20th and June 21st flooding events. The loans are also available to homeowners and renters.

Recent arrests include a thief that was victimizing a local business on Library Road. The perpetrator was identified by security cameras and police intersection cameras. In addition, a theft from Homecraft was reported for a \$18,000 stump grinder. Once again, the intersection cameras were able to identify a trailer with the equipment. Many thanks to Lt. McKeown for monitoring the equipment to find the suspects.

Finance – Mr. Swisher reviewed the check registers for July 26th and August 3rd and had no questions.

Community Activities/Planning & Codes – Ms. Kovach reported that the Bark on Park event for August 17th was rained out and rescheduled to August 24th. The event was successful with lots of dogs and treats and family fun. Videos and canine photos are available on Facebook.

Mr. Warhold will be meeting with Bill Fontana, Director of the Pennsylvania Downtown Center, this week.

The Castle Shannon Revitalization Corporation Fall Festival will be held on September 15th. The golf outing is scheduled for September 21st.

The fall Saw Mill Run Cleanup is scheduled for the end of October. Volunteers may be planting riparian trees along the stream. More information will follow.

Mr. Vietmeier reported that two businesses are remodeling on Mt. Lebanon Boulevard. Graters Ice Cream will be opening in the former Wendy's location, and McDonald's is undergoing renovations.

Mr. Heckmann announced that Nancy Kovach will be chairperson for the Castle Shannon 100th Year Anniversary. Ms. Kovach reported that an initial planning meeting was held with Edd Hale, Paul Dudjak, Justin Philman and Mayor Baumgarten. An expanded community day event and historical scavenger hunt are being planned. Fire Chief Bill Reffner is forming a parade committee. Events are also being planned at Linden Grove. Antique post cards and t-shirts will be available for purchase.

Library – Ms. Randazzo reported the next board meeting will be held September 6th. A board vacancy currently exists. Board meetings are held once a month, however no meetings are held in June, July or August. The board discusses the latest trends from the Allegheny County Library Association. It is a way to serve the community through the library. Interested residents can send a letter of interest to the library’s board of trustees.

The Friends of the Library Fall Book Sale is September 13th-15th.

The third annual Love Your Library Campaign also begins in September. This is a program to promote and support our local library. Any monetary donation is matched by the Buncher Foundation.

MRTSA – Mr. Swisher reported that negotiations are underway for paramedics and EMT employment contracts. Mayor Baumgarten noted that the subscription rates for 2019 were approved and remains at the current level. Although the line of credit will be expended, incoming revenue from the 2019 subscriptions will help fund the authority through the current year.

SHACOG – Mr. Oates discussed that fact that China will no longer accept recycling items from the United States, and the SHACOG board debated the public education issue regarding what items can be recycled.

Manager: Mr. Hartswick presented a Secretary’s Certificate of the Grantee for a Redevelopment Authority of Allegheny County planning grant of \$42,500. Mr. Warhold motioned to authorize the appropriate officials to execute the certificate; Mr. Oates seconded; all in favor; motion carried.

MS4 - Mr. Hartswick reported on the State of the Watershed Conference held at the municipal center. The meeting was attended by municipal managers and community leaders in the Saw Mill Run Watershed area. Discussions were held on MS4 and sanitary sewer requirements and implementation of a storm water management fee.

Mayor: Mayor Baumgarten thanked council for supporting his veto on Ordinance #913 and bears no malice to those who opposed. Mayor Baumgarten agrees the ordinance could be revised and revisited; however he asked council to consider forming a tree commission in lieu of an ordinance.

Planning Commission: Ms. Kovach motioned to accept the planning commission’s minutes of June 16, 2018; Mr. Oates seconded; all in favor; motion carried.

Solicitor: Mr. Biondo stated that a revised Quality of Life Ordinance will be submitted at the next council meeting. Other ordinances to be considered by council in the near future involve tiny homes, chickens, bee hives, and Air B&B.

Public Comment:

Patricia Shaw – approached council seeking support on an urban farming ordinance for chickens similar to neighboring communities in the number of chickens permitted per square footage.

In addition, Ms. Shaw suggested inserting a separate flyer/postcard regarding recycling changes into the newsletter that residents could retain.

Randy Rohe – reported a hillside slide that smelled like sewage earlier this year. The borough immediately investigated and lined the sewer pipe. The borough engineer conducted an onsite visit (40 days after the incident) and reported his findings to Mr. Rohe via letter. Mr. Rohe conducted his own test which showed chloroform bacteria in the soil, and Mr. Rohe stated this is a health hazard. In 2009 the sewer line was videotaped, and the results indicated broken pipes. Mr. Rohe is very concerned with soil contamination from the broken pipes and would like soil samples taken or the borough to remove the soil.

Mr. Heckmann stated that the borough is responsible for the sewer line. The borough took action and fixed the line. Mr. Heckmann suggested that Mr. Rohe contact the borough engineer to identify the type of soil testing necessary. It would be the homeowner's responsibility to provide validated information that there is soil contamination that came from the borough's sanitary line before council can take action.

No other comments were received; therefore the public comment section was closed.

Mr. Warhold motioned to adjourn; Mr. Swisher seconded; all in favor; motion carried.

Approved as presented this 10th day of September, 2018.

Thomas C. Hartswick
Borough Manager

Mark J. Heckmann
President