

CASTLE SHANNON BOROUGH MINUTES OF REGULAR MEETING

March 22, 2021

The March 22, 2021 meeting of the Castle Shannon Borough Council was held as a virtual meeting using Zoom Meeting technology in compliance with the disaster emergency proclamation of the Governor of Pennsylvania related to the coronavirus pandemic, including the closure of non-essential businesses, stay-at-home order and social distancing directives.

The following elected officials were present: M. Heckmann; M. Randazzo; R. Astor; N. Kovach; J. Maloney; B. Oates; D. Swisher; D. Baumgarten; E. O'Malley. The following appointed officials were present: K. Truver, Police Chief; P Vietmeier, Codes Official; D. Biondo, Solicitor; A. Lyda, Junior Council Representative; L. Miller, Acting Manager.

The minutes of the March 8, 2021 Council Meeting were presented. Ms. Kovach motioned to amend the minutes with the statement added that the streetscape project was initiated by the Castle Shannon Revitalization Corporation; Mr. Oates seconded; all in favor; motion carried. Ms. Kovach motioned to approve the minutes with the amendment; Mr. Oates seconded; all in favor; motion carried.

The minutes of the March 15, 2021 special Council Meeting were presented. Ms. Kovach requested that the minutes state that the top candidate initially accepted the offer but withdrew after being told misleading information by a committee member. Two members of the personnel committee - Ms. Randazzo and Mr. Astor disagreed with this statement. Ms. Kovach stated she entered the statement because she had direct source from the candidate. Ms. Randazzo and Mr. Astor also both spoke to the candidate. Mr. Heckmann stated that two members of the committee have disagreed with Ms. Kovach's representation of the event. Ms. Kovach then motioned to have the minutes reflect that the top candidate initially accepted the offer, but then withdrew; Mr. Oates seconded. A roll call vote was taken to amend the minutes: Ms. Randazzo – no; Mr. Astor – no; Ms. Kovach – yes; Mr. Maloney – yes; Mr. Oates – yes; Mr. Swisher – no. Mr. Heckmann abstained from the vote as he was not active in the process. The vote was tied 3-3. Mr. Biondo advised that the mayor can break tie votes and reminded council that the motion was to amend the minutes and not whether or not the amended statements were accurate; but whether the minutes reflect what occurred at the meeting. Mayor Baumgarten submitted his vote of yes to amend the minutes. Ms. Kovach motioned to approve the minutes with the amendment; Mr. Maloney seconded. Ms. Kovach, Mr. Maloney and Mr. Oates voted yes. Mr. Swisher, Ms. Randazzo, Mr. Astor and Mr. Heckmann voted no. Motion did not pass. Meeting minutes were not approved.

Public Comment: Mr. Heckmann turned the meeting over to Marian Randazzo, who discussed the personnel committee's candidate search for the manager position. The committee was comprised of four council members: Ms. Randazzo, Chairperson; Mr. Astor, Co-chair; Mr. Swisher and Ms. Kovach. Mayor Baumgarten and Acting Manager Loretta Miller also attended the interviews. The committee was formed January 3, 2021. The position was advertised in the Pittsburgh Post-Gazette on January 10th, and resumes were accepted from January 11th through January 29th. Twenty-nine resumes were submitted. The committee chose the best six candidates along with two possible considerations who were called. Five interviews were conducted from February 17th to March 2nd with one applicant who did not attend their ZOOM interview.

The committee met and selected the applicants via a rating system. The committee then selected candidate one and two. Although some committee members had a third choice, it did not enter into the process because of the ranking tally system. The top candidate chose to decline the position for personal reasons. Ms. Randazzo stated that as a committee member considering the candidates, there was a wide separation in credentials from the first two candidates and the other candidates.

Ms. Randazzo motioned to approve the termination of the candidate search until a later date; Mr. Astor seconded. Ms. Kovach questioned if Ms. Randazzo wanted to make a motion to readvertise. Ms. Randazzo replied that council needs to decide how best to proceed, and the motion is to terminate the search as known at this point in time. Mr. Heckmann abstained from the vote as he is a candidate in the search. Council voted. Motion passed unanimously with Mr. Heckmann abstaining.

Mr. Heckmann noted that the borough has a very capable staff member serving in the acting manager role. Council thanks and supports Ms. Miller to continue in this interim role. Council will take under advisement on how to proceed with filling the manager position.

Public Comment – Agenda Items:

Lisa Shartle, 3743 Rebecca Street – thanked council for their time and dedication. Ms. Shartle stated that she was recently advised that the borough manager position was open and was taken aback that the current council president had applied. Ms. Shartle stated that she could not find contact information for board members, and therefore she created an online petition that states, “We believe this to clearly be a conflict of interest, as well as an ethics issue.” The petition requests that council remove Mr. Heckmann from the candidate pool and search for another candidate. Forty-nine residents signed the petition.

Janell Filson, 3251 Waverly Street – agreed with Ms. Shartle about the petition. Ms. Filson stated that she talked with a representative of the ethics committee in Harrisburg and was advised that the council president should have stepped down prior to applying for the manager position. Ms. Filson believes it is a conflict of interest. Ms. Filson added that not many people knew the management position was open because council meetings were held in private over the last year. Ms. Filson continued stating that under the Sunshine Act of Pennsylvania, council meetings must be open to the public and publicized.

Mr. Heckmann addressed Ms. Filson’s comments and confirmed that council meetings have been held in compliance with revised meeting requirements due to COVID. There have been meetings where the public participated, and council continues to make the meeting schedule and minutes available to the public. Council is in good alignment with the Sunshine Act, and any other requirements for public meetings being available. Currently, the meetings can be recorded digitally to make them more accessible.

Relating to the petition, Mr. Heckmann noted three areas of concern he would like to address as to what is true versus what is public perception: 1) The council president should not be able to become the borough manager; that he had remained on council during the search; his relationships with council members could aid in his candidacy and what has to be filed on the Ethics Form; 2) According to the petition, he is unqualified for the position. 3) That his position on the former manager’s termination would be germane.

Mr. Heckmann agreed that under the borough code a council member may not serve as borough manager concurrently. If Mr. Heckmann was selected for the position, it would be contingent upon his removal from borough council. Mr. Heckmann added that in his role as council president, he was not involved in the candidate search; therefore, it was not required for him to abdicate. It was a requirement that he abstain and distance himself from any matters relating to the search. Mr. Heckmann affirmed that he did not attend any personnel committee meetings or attend executive sessions in which the position and/or candidates were discussed. Our solicitor has been engaged the entire time and has assured council that the process has been done effectively and without bias.

Mr. Biondo then advised that Mr. Heckmann's comments are accurate. There are several cases from the Ethics Commission that indicate it is not a requirement for a council member to step down prior to applying for or being considered for a position. It is appropriate that the council member cannot participate in any discussions, deliberations or votes, or use any confidential information to benefit himself personally. Having said that, Mr. Biondo stated it would be appropriate to reply to comments from the public thus far in the nature as to why Mr. Heckmann abstained and how the process has occurred up to this point.

Mr. Biondo then advised that Mr. Heckmann should not comment further on the other public comments received as it could be perceived as a discussion of the qualifications or requirements of the position which Mr. Heckmann indicated he has abstained from. Mr. Heckmann stated that council has followed the process that good legal practice has recommended. To Ms. Shartle and Ms. Filson, Mr. Heckmann stated that council is thrilled that they would like to take part in a civic process, and the borough wants people to be involved and understand the process was done well. Mr. Heckmann invited Ms. Shartle to share her petition with council by bringing the signatures to the borough office.

The public comment section was closed.

Real Estate Tax Collector: Ms. O'Malley reported that 2021 borough real estate taxes are being received.

Council Committee Reports

Public Relations/Communications – Mr. Heckmann stated council is encouraged by the progress being made by the pandemic with inoculations and COVID cases being reduced. Borough officials are carefully watching reports by state and local officials to determine when the municipal building can be safely reopened.

The 2021 spring newsletter is soon to be issued.

Building & Grounds/Public Works – Mr. Maloney reported that the public works department has been jetting and televising sewer lines. Although Ms. Kovach missed the sewer jetter demonstration, Mr. Ausman advised her that the machine was able to climb hillsides where the lines were a problem. Mr. Astor and Mr. Heckmann attended the demonstration with public works, and the equipment was able to clean and televise a number of lines. Mr. Maloney added that Mr. Ausman was very impressed with the machine.

Public works plans to paint the pavilions in the parks and clean up leaves. They have been working at the municipal center in preparation for the CSYA baseball season.

The crack sealing machine is being serviced in order to continue this spring project.

Public Safety – Mr. Astor announced that the Castle Shannon Volunteer Fire Department will be hosting a community blood drive on March 28th from 9:00 a.m. to 2:00 p.m.

The Easter Bunny Parade will be held April 3rd starting at 11:00 a.m.

Training for active firefighters continues, and the event committee is preparing for a gun raffle.

Chief Truver noted that the victims of the credit/debit card fraud that started with Chase Bank were hit again with another credit card fraud from Metabank and again with Bank Americard.

Chief Truver advised that the McRoberts Road closure from Loma Drive to Weyman Road is a Whitehall project due to a landslide situation. They are working to shore up under the road. Their engineers did not feel it was safe to open the road at the end of each day. Castle Shannon Borough added some detour signs, and the police department continues to monitor the traffic.

Finance – Mr. Swisher reviewed the check registers for March 12th and March 18th and had no further questions. Mr. Maloney motioned to approve all check registers and payments; Mr. Swisher seconded; all in favor; motion carried.

Community Activities/Planning and Codes – Ms. Kovach referred a call to the borough offices from Pyrotechnico regarding the annual fireworks display for Memorial Day weekend. Ms. Kovach was unsure if council was planning the event later in the year or possibly doing this Memorial Day weekend. If the event proceeds on Memorial Day weekend, the Castle Shannon Revitalization Corporation in coordination with the borough would be interested in holding an open-air street event in the downtown area with appropriate social distancing. The CSRC is planning a July and August event downtown; however, depending upon streetscape construction, the events might be held in other areas of the borough such as Stoner Plaza or near the Trolley Barn area. Ms. Kovach asked Mr. Heckmann about possible dates for the fireworks display.

Mr. Heckmann responded that Pyrotechnico contacted Ms. Miller, and she responded that the borough would be interested in a later date, providing it could be done safely. One potential opportunity would be the streetscape unveiling. That would be much later in the year, depending upon the finalized construction calendar. Ms. Kovach suggested that council reconsider having the fireworks on Memorial Day weekend. Ms. Kovach noted that the problem of having this on Community Day was the amount of people congregating on Hamilton Field; however, managing spaced events over the weekend, people could congregate in their own houses in smaller groups to observe the fireworks. Ms. Kovach suggested that council may want to look at that weekend. Since it has been so long since we have done any events, it might be nice to have something to look forward to. Mr. Heckmann responded that council would be open-minded to this suggestion.

Mr. Heckmann noted that on the streetscape project, construction may begin as early as June which would be on the Castle Shannon Boulevard and Willow Avenue sections; however, we do not have a formal construction calendar at this time. Our Main Street Coordinator, Krista Mosher, is leading the effort to ensure the businesses have the appropriate outreach and access to good information so that they can remain open with as minimal disruption as possible. Once the public meeting about what the

streetscape may look like occurs, we will turn it into a campaign to get excited about the \$2 million project and making the main street better.

Library – Ms. Randazzo was happy to report that the library staff has entertained thirty-minute browsing appointments, and twenty people had signed up. March 29th is the official start of browsing appointments, and the library hopes to build on this and expand. Our patrons are looking forward to more services in person.

The next library board meeting will be April 8th.

MRTSA – Mr. Heckmann stated that the board is hopeful in the support of hiring a new Operations Chief in the coming weeks. This has been a regional and outside of the state search.

Mr. Heckmann was thrilled to report that the personnel committee at MRTSA has made significant gains in diversifying the number of women on staff. Unfortunately, the market for paramedics and emergency medical technicians tilts a little bit towards men predominantly; however, there are plenty of capable women, and it just takes an active recruitment effort to avail ourselves of their skills.

The construction project at the MRTSA station of the new roof is nearly completed. This was one of the major investments made with a recent capital borrowing.

Ms. Swisher reported the next board meeting will be March 24th, and he is hopeful for good news on the hiring.

SHACOG – Mr. Oates attended the SHACOG Board of Directors meeting via ZOOM on March 18th and reported that many municipalities had questions regarding the Allegheny County Blight Removal Grants. Many questions revolved around eligibility requirements.

The board discussed the outlook for the future of recycling, which seems bleak.

Mr. Heckmann stated the borough is actively investigating participating in the blight removal program. SHACOG has advised that lots of applications, and even multiple applications, are being submitted. The borough may not have sufficient information for a submittal for this round of funding.

Police/Non-Uniformed Pensions: Ms. Miller presented a brief update on the investment performances for the municipal pension plans for 2019 and 2020.

Manager: Mr. Heckmann reported receipt of a letter from Port Authority to terminate the lease with the existing developer for the Shannon Transit Village Project. In light of the significant rise in construction costs and uncertain market conditions, the project was deemed untenable. Ms. Kovach motioned to authorize Mr. Heckmann to execute our agreement with the lease termination by Port Authority and Shannon Transit Village, L.P.; Ms. Randazzo seconded; all in favor; motion carried.

Mr. Heckmann and Ms. Mosher met with developers of a 311 app, which is a phone app to allow citizens to take photos and submit comments to the borough to address various areas of concern, such as potholes, garbage, storm damage, etc. This tool is used by Ross Township and Zelienople Borough. This would be an interesting enhancement of what the borough can do technologically and how residents can work to make the community better. Ms. Kovach questioned if there was a charge

for this app. Mr. Heckmann responded yes and added that the cost would vary depending upon selected options. A proposal of costs would be submitted to council before proceeding.

Mr. Heckmann discussed the 2020 Summer Recreation Program, which was cancelled due to COVID restrictions and staffing issues. This is a six-week outdoor program on weekdays from 9:00 a.m. to noon for children who have completed Kindergarten through age 12. Council is hoping to get a summer recreation program together for this year while keeping up with the public health recommendations. Residents interested in the director and assistant director positions should submit applications through borough administration.

MS4: Mr. Heckmann serves on the ALCOSAN Municipal Committee. A number of revised system maps have been received. ALCOSAN is doing multi-billion dollar infrastructure projects in order to regionalize the system and take storm water out of the system. The borough is current with structural repairs to convey the trunk sewer lines to ALCOSAN.

The Municipal Committee has requested that ALCOSAN complete a rate study due to the past increases in rates. The yearly increases of 7% are untenable and unsustainable for our residents. The study will validate what rate increases can be expected over a two year period.

Mayor's Report: Mayor Baumgarten discussed that fireworks are usually displayed on July 4th. President Biden said that most vaccine shots should have been received by the end of May. Mr. Baumgarten added that we could possibly have a community day around July 4th. Ms. Kovach stated that July 4th is an overly busy time for fireworks and that other surrounding communities have displays, therefore we would be competing with theirs. Ms. Kovach added that we always wanted to make ours special, and that is why we chose another day. They book the fireworks display date years in advance; therefore, we may not be able to get that date. Mayor Baumgarten then suggested one day around July 4th.

Some of the Castle Shannon police officers have been involved at the fire hall with the vaccine distribution center. Mayor Baumgarten has received a number of compliments on how courteous and helpful our police officers have been. He thought that was important because a lot of the people getting the vaccine are not from Castle Shannon and are in fact from other communities in Allegheny County. It is a nice public relations event in which our officers participate. Kudos to our police officers!

Mayor Baumgarten thanked the residents who attended this meeting via ZOOM and hopes the municipal building doors will be open soon for residents to attend in person. It gives the residents and elected officials a chance to meet face to face after the meeting. Mr. Heckmann agreed with the mayor about in-person meetings.

On the March madness section of the agenda, my daughter is upset out because West Virginia lost; however, the mayor is doing well because I picked a real long shot – Oral Roberts and Loyola of Chicago, who are still in it.

Planning Commission: The agenda contained minutes of the January 18, 2021 meeting.

Mr. Heckmann responded to a form submission from Nadia Dojcek from Hamilton Road requesting updates on the chicken ordinance. The planning commission received feedback from Allegheny

County with a recommendation that is a deviation from the proposed ordinance. The ordinance will have to be revised and resubmitted to the county for additional comments. Mr. Heckmann commented that he wished this had a more streamlined process; however, we have to trust that those layers of review are useful, especially for things like zoning. To our colleagues and our friends and our neighbors who want news about the timing, Allegheny County has 30 days to review the ordinance and submit recommendations. Planning commission would then make a recommendation to borough council. Mr. Heckmann said thank you to all for your continued interest.

Junior Council Member: Ms. Lyda reported that Keystone Oaks is returning to normalcy. The elementary schools have returned to in-school classes four days a week with Wednesdays off for hybrid students. The high school committees are planning graduation and prom. Practices for the annual musical have started.

Students are trying to get through a potential second round of teacher strikes. In the next few weeks, this uncertainty should be resolved.

Mr. Astor reported that the Keystone Oaks Board of Directors and Keystone Oaks Education Association have entered into binding arbitration. Information on the district's final offer and the education association's open issues are available on the Keystone Oaks website. Public comment on the arbitration expires March 26th at 5:00 p.m. Mr. Astor encourages the public to submit their concerns.

Public Comment: Lisa Shartle – stated she was looking on the website to ask questions about items in the council minutes and could not locate contact information for board members. She also wondered if board members were affiliated with different wards. Ms. Shartle suggested providing an email or phone numbers for residents to contact council members. Mr. Heckmann noted that typically residents who have an interest in speaking with council members have always contacted the borough office. Certainly, council is looking for new and different ways to make themselves accessible. Ms. Shartle noted that many local municipalities have pictures, term information and email contacts for the council members.

Mr. Heckman advised that the borough does not have wards. There are districts assigned for voting; however every council member serves the entirety of the borough. Ms. Kovach commented that she would welcome that kind of a directory for constituents to reach out to council by email and possibly inclusion of some background information. Ms. Randazzo added that her phone number is in the phonebook for anyone who wishes to contact her. Mr. Heckmann will circulate a survey to council to determine their comfort level of providing background information on the website with contact information. Ms. Shartle clarified that the emails would not be personal emails, but borough emails assigned to each official.

Other: No one had other business to discuss. Ms. Kovach motioned to adjourn; Ms. Randazzo seconded; all in favor; motion carried.

Approved as presented this 12th day of April 2021.

Loretta J. Miller
Acting Manager

Mark J. Heckmann
President