

**CASTLE SHANNON BOROUGH
MINUTES OF REGULAR MEETING**

September 13, 2021

The following elected officials were present: M. Heckmann; R. Astor; M. Randazzo; N. Kovach; J. Maloney; W. Oates; D. Swisher; D. Baumgarten; E. O'Malley. The following appointed officials were present: D. Biondo, Solicitor; P. Vietmeier, Codes Official; K. Truver, Police Chief; L. Miller, Acting Manager. Junior Council Representative A. Lyda was absent. Mr. Heckmann noted that all members of council are in attendance.

The minutes of the August 23, 2021 Council Meeting were presented. Ms. Randazzo motioned to approve the minutes; Mr. Swisher seconded; all in favor; motion carried.

Public Comment – Agenda items: No comments were received.

Bid Openings: The results of the KU Resources Inc. bid tabulation for the PennDOT Multi-Modal Grant portion of the streetscape project were presented. Mr. Heckmann stated that this is a big project that is about to unfold on Willow and Castle Shannon Boulevard. The PennDOT grant is for \$1,595,562.00 with a 30% borough match of \$478,68.60 for a total project cost of \$2,074,231.00. The lowest qualified bidder was Michael Facchiano Contracting Inc. Mr. Heckmann noted that this is a very important project with lots of parties contributing over the years starting with the Castle Shannon Revitalization Corporation in concert with the borough. Council is looking forward to approving the bid this evening which would allow scheduling on the construction calendar to be syndicated to our businesses and residents. Mr. Swisher reviewed the bid documents and asked to have the itemized bid information on file. Mayor Baumgarten questioned if the borough's match would be 30% of the grant or 30% of the bid amount. Mr. Heckmann answered that the borough would be required to pay 30% of the grant funds used proportionately. Mr. Swisher questioned if we could utilize grant funds in excess of the bid. Mr. Heckmann answered that some additions to the scope can be submitted, and the borough will make the best use of the available grant funds. Mr. Heckmann asked for public comments. None were received. Ms. Kovach motioned to award the Castle Shannon Streetscape Phase I bid to Michael Facchiano Contracting Inc. for \$1,537,928.00. Mr. Astor seconded; all in favor; motion carried.

Public Hearing: Mr. Heckmann presented Ordinance #927 amending borough Ordinance #809, as amended, regulating traffic to provide for one-way travel in a westerly direction on Willow Avenue between Pine Avenue and Poplar Avenue. This ordinance was the result of a study to find and provide additional parking spots in the downtown area. The conversion to a one-way street will allow for the addition of twelve more on-street parking spaces. Mr. Heckmann opened the public hearing on Ordinance #927. No comments were received; therefore, the public hearing was closed. Ms. Kovach motioned to adopt Ordinance #927. Mr. Maloney seconded; all in favor; motion carried.

Real Estate Tax Collector: Ms. O'Malley reported collections of \$7,870.88 for the month of August. Year-to-date collections total \$3,713,306.59.

Council Committee Reports:

Public Relations/Communications – Mr. Heckmann reported that a fee schedule has been prepared for the urban agriculture ordinance, and a resolution will be prepared for council’s review at the next public meeting.

Mr. Heckmann thanked the fire department and mayor for a very moving static display and event at the Castle Shannon Volunteer Fire Department on September 11th and also thanked the neighboring agencies that participated.

Building & Grounds/Public Works – Mr. Maloney noted that the public works crew is still working short-handed with four active employees.

The crew has been busy preparing the fields for fall baseball. Hurricane Ida washed out a section of the field at Hamilton Park that has been repaired. In addition, the crew has been cutting the grass shorter to allow for a better playing field. Mr. Maloney noted that they have done a great job.

Public Works has also been completing routine maintenance tasks at the parks and will be cutting cartways this week.

Council agreed that the department is doing a lot of great work.

Public Safety/Fire: Chief Truver recognized that public works employees helped prepare for Hurricane Ida by cleaning storm grates that assisted in preventing some flooding damage.

The police department will have four details in addition to normal operational patrols working this week in conjunction with a seatbelt grant for \$1,200.00.

PAWC will be working on a construction project at the intersection of Castle Shannon Boulevard and Poplar Avenue. Work will be undertaken in the evening of September 15th and 16th from 7 p.m. to 5 a.m.

A panel of police chiefs interviewed sixteen police officer candidates for an entry level position and have recommended a listing of the top five for the eligibility list.

Castle Shannon Borough Police Department has been accepted into the Active Bystandership for Law Enforcement (ABLE) Project’s national training and support initiative for law enforcement agencies committed to building a culture of peer intervention that prevents harm. Our agency is the first local agency in Western Pennsylvania to adopt and be fully trained in this program which benefits and protects the officers and the community. Mr. Astor added that the ABLE project is guided by a peer-to-peer system to hold others accountable, something that is garnering more and more attention on a nationwide level.

Fire Chief Bill Reffner attended the meeting and regretfully announced his retirement as fire chief effective December 31, 2021 due to family health concerns. Chief Reffner added that the department has several potential candidates that would make a good fire chief and community oriented representative. Castle Shannon’s emergency teams of police, fire and medics have always

worked extremely well together. Chief Reffner thanked borough council, Mayor Baumgarten, and Chief Truver for their assistance during his tenure. Chief Reffner plans to stay active in the community by assisting with the borough's Memorial Day Committee and stated that keeping the children involved in Memorial Day is so important for keeping the history of Memorial Day alive. In addition, he plans to continue participation on the fire department's Light-Up Night Committee. Chief Reffner again thanked council and especially Chief Truver for their support over the years. Council applauded Chief Reffner in thanks for his many years of service to the residents and community of Castle Shannon. Mr. Astor personally thanked Chief Reffner for his years of service and expects a smooth transition to the new chief. Mr. Astor added that council looks forward to working with the new chief and having Chief Reffner be a part of that transition.

Finance: Mr. Swisher reviewed the check registers for August 26th, September 3rd and September 7th and had no further questions.

Community Activities/Planning & Codes: Ms. Kovach noted that the agenda did not list that the event planned for the 25th of September – Party on Park Fall event – was cancelled. Ms. Kovach read the following statement:

At the July 26, August 9, and August 23 meeting of Council, in my committee report I mentioned that since CSRC was not having their annual Fall Festival, I would like to add a Fall Party on Park event. I have been chairing these events for over four years with no issues. If there were any questions or objections, there was plenty of opportunity for questions or comments.

I do not chair or co-chair the CSRC event. The August CSRC minutes should reflect when approved that CSRC plans to support the event by providing children's games and prizes and a Chinese auction. Mr. Seekings volunteered to seek donations of small pumpkins from Trax farms or possibly Shop and Save to give away to children. To state that the CSRC does not support this event is false.

I don't know what your definition of "successful event" is in relation to this event. To compare it to CSRC Fall Festival is again misleading. The CSRC event is meant to be a fundraiser for CSRC, so planning needs to start far in advance to secure enough vendors and attractions to make it profitable. There was also concern that the streetscape project would be started by fall.

Party on Park events are smaller fun events to bring people together to engage with one another. It provides an opportunity for residents to meet public works people, our policemen and police chief, and public officials. Although smaller, they still require a lot of work and effort. Let me respond to Mr. Heckmann's "non-personal" attack by correcting his statement that was emailed to all of you.

"The chairman of community events has proposed to council at the July 26, August 9 and 23 public meetings with no objection to add a Fall event to the Party on Park events since we have all been locked down from Covid for a year and a half and were unable to do events in June or July. The event is located on Park Ave at the recommendation of the Police Chief, Ken Truver, since it creates the least disruption to traffic in the downtown district. Anyone who wants to participate can do so as long as there is space. Ms. Randazzo has volunteered in the past, as

well as several other boro employees and residents. Ms. Kovach closes her business on event days so the street can be closed. Council encourages participants to support local businesses at these events.”

For those council members who voted to not support this event, this is what you cancelled for the residents of your community. The Auntie Anne Pretzel Truck, the crepe truck, and the taco truck. Note that none of these compete with local eateries. A donated pumpkin patch with Fall decorations and Fall mums (for sale at cost) and a pumpkin patch photo booth. This was donated by Flora Park. Multiple craft booths, children’s games and activities, and a Chinese auction sponsored by CSRC. School of Rock, the fire department, Dan Miller, the library, and music were all put on hold. Lisa Brown from Watersheds of South Pittsburgh had planned to schedule the Fall stream cleanup the morning of the event, which would have provided another great community event to participate in.

I am profoundly disappointed that not one council person reached out to me with their concerns before voting to cancel this event.

Ms. Kovach moved onto other business and noted that the Martin’s Building on Park Avenue has sold. Mr. Vietmeier confirmed it was sold to Robert Hill who owns a construction company and plans to renovate the structure into an office building. Ms. Kovach agreed that there was office space that the former Chamber of Commerce used. Mr. Vietmeier added that there is only one area of the building he could use safely at this time. The new owner has a lot of ideas for the location. Ms. Kovach stated that hopefully we can work with the new owner to make some of the ideas into something nice for the downtown area.

Ms. Kovach also noted that Calabria’s Restaurant is being sold. Mr. Vietmeier stated that the planning commission will have a conditional use hearing to install a WetGo car wash. That would involve tearing the building down and new construction.

A variance hearing with the Zoning Hearing Board is scheduled on September 22nd for the ATM machine at the CSVFD parking lot.

Mr. Vietmeier noted discrepancies in street names (such as Street, Drive, Avenue) between borough records and PAWC and is working to ensure all agencies have the information corrected and aligned with our zoning map. This was discovered when a resident had difficulties with the address on her driver’s license not matching PAWC’s records.

Ms. Kovach was pleased to note that the Inverso house on McRoberts Road is making improvements after many years. Mr. Vietmeier stated that the building permit is close to expiring.

In reference to Ms. Kovach’s statement, Mr. Heckmann said that we will continue on that thread because he doesn’t appreciate that the character of our board members was called into question, so we are going to dig into that topic further. Mr. Heckmann stated that first and foremost, council approved a great many things this evening, and they required votes. Mr. Heckmann asked Ms. Kovach - did council ever take a vote to approve your event and where in the minutes was that vote because we don’t vote by silence, we vote by vote, so where did council vote for that event? Ms. Kovach responded saying that we have done the events for four or five years now. Mr.

Heckmann added with no issues because it is not a personal issue. Mr. Heckmann asked to tell him how, historically, we have had over seven of these events go quite well with no questions asked. Some pretty significant changes occurred to this event structure; however, Ms. Kovach claims that this was personal.

Ms. Kovach disagreed that there were significant changes and would have liked to have had some discussion. She believes there was opportunity for discussion at previous meetings to bring questions up front to work through them. Ms. Kovach continued stating that the fact that CSRC cancelled their event really doesn't affect the borough's event because CSRC was just a part of the Party on Park events, and they are still a part of this event.

Mr. Heckmann stated that council does not cancel events. Council declined to financially support the event, which is very different. Council did not say Ms. Kovach could not host an event but said not with the public's money. There are strings attached as to how public money should be spent, and council has an ethical responsibility to deliver on that. To Ms. Kovach's point, Mr. Heckmann stated that council has supported over seven Party on Park events, and council does so because there are proper protections in place. Mr. Heckmann listed the proper protections displayed in a Powerpoint presentation as follows:

- 1) Is the borough supporting this event through a trusted partner? For all previous Party on Park events – yes, the CSRC was active in planning, in votes to approve expenses, and to make sure vendors were involved. For this most recent instance, the answer is no. The CSRC voted unanimously in August not to support that event.
- 2) Are the decisions relating to the event being vetted by a board to avoid conflicts of interest? In previous events – yes, previous Party on Park events were managed and planned by the CSRC board collectively, so there were no individual conflicts of interest. Under the proposed scheme – no, when the CSRC declined to organize the event, all planning for the event falls to a single member, in Ms. Kovach's case either her or her designee, to plan the event.
- 3) Is the person planning the event seeking approval for expenses by a board vote? In previous events – yes, expenditures were approved (as the borough did) when we received the check registers for those expenditures. Under this most recent event – no, borough council has not received requests to approve expenditures, nor have they been asked to actively participate. Mr. Heckmann stated it does not pass muster for a council person to just say that we are going to host an event. There is no process behind that. Council never voted to approve those expenditures, and council was never asked how they would be involved in the event if council is going to be the primary board supporting the event.
- 4) Did the board member, in this case Ms. Kovach, declare that there needed to be any additional oversight of the event to comply with the PA Ethics Act? With previous events, this was unnecessary because the CSRC Board was doing oversight. In this most recent instance, no – Ms. Kovach had a responsibility to declare that this was her event, and the CSRC was not co-sponsoring it, because that means that council carries all the responsibility in order to avoid ethical conflicts. To define an ethical conflict, Mr. Heckmann read the following definition from the Pennsylvania Ethics Act §1102 – a conflict of interest exists when a person uses the authority of public office or employment for the private pecuniary (think financial) benefit of the public official or any member of his immediate family or a business in which he or a member of his immediate family is

associated. There is no allegation that Ms. Kovach did these things, instead there is a risk of these things if controls are not in place. This is true of all members of council that are bound by this conflict-of-interest statement. A requirement pursuant to the PA Ethics Act is “any public official who in the discharge of their duties would be required to vote on a matter that would result in a conflict of interest, his or her job is to abstain from voting prior to the vote being taken publicly, and announce and disclose the nature of their interest for the public record.” Mr. Heckmann added that none of that was done either, and there was no vote.

Mr. Heckmann reiterated that there was no vote to cancel the event. There was no vote to support the event. In addition, regarding Ms. Kovach’s point on whether the CSRC did or did not support the event, Mr. Heckmann read the following message from the CSRC board president:

To Whom It May Concern: As president of Castle Shannon Revitalization Corporation, let me be pointed and clear. Our organization did not agree to sponsor, organize, fund, or program a community fall event. As a matter of fact, our board agreed unanimously to table our season festival and golf outing due to COVID, planning and timeline concerns. Our organization is not represented as a presenter nor did we approve any marketing images, copy, or agree to claim the event via social media or solicit vendors. Any actions taken in support were done outside the oversight of the majority of our board. It was communicated to us (via Nancy) that council had approved the Party on Park and as a result we would use it as a conduit to add more fundraising efforts and work in concert and cooperation with borough council. Clearly, unbeknownst to us that was not the case.

Mr. Heckmann stated that both boards feel duped by how Ms. Kovach represented this event. Informally, Mr. Heckmann believes that council was not supportive of the event and offered to take a formal vote on the matter.

Ms. Kovach believes that the August CSRC minutes that have not yet been approved will reflect a different message. Mr. Heckmann stated that it is his understanding that the minutes were amended. Ms. Kovach said that they have not been approved, were not amended but were clarified. Ms. Kovach said maybe she phrased it wrong as clarified and referred to Ms. Miller’s minutes of the council meeting where parts of conversations are not always included, for instance in Mr. Astor’s report of August 23rd Ms. Kovach believes he discussed a veteran and Ms. Kovach suggested that they get a table at the event. That suggestion was not in the August 23rd minutes since it was not a major discussion. Ms. Kovach and Mr. Astor recalled the conversation.

Mr. Heckmann stated that, when he gets communication from the CSRC board president, saying something happened a certain way, and a month in advance of the CSRC August meeting, Ms. Kovach needed council to give a decision on the event. Council cannot wait for the CSRC formal meeting minutes to affirm, and Mr. Heckmann contacted the board president directly to ask the situation as it relates to this event since council needs to know if the CSRC has the controls in place or if borough council needs to have the controls in place. In neither case was that attended to, which is why council cannot support the event. Once again, Mr. Heckmann offered to have a formal vote of council. Ms. Kovach responded that it makes no difference as the event has been cancelled. Mr. Heckmann noted that council did not cancel the event but will not pay for it.

Mr. Heckmann added that Ms. Kovach said the CSRC was going to support the event as she framed it and asked why the event would have to be cancelled if the CSRC was going to support it. Ms. Kovach stated that CSRC would support it in the way they have historically supported it. Mr. Heckmann noted that the letter from the CSRC board president does not confirm that. Ms. Kovach stated that while she cannot answer for Mr. Seekings, he had volunteered to use his truck to get pumpkins from the farm for the occasion, and Lisa had volunteered to organize a Chinese auction, and Krista was doing children's games with prizes purchased by CSRC. Mr. Heckmann stated there is a difference between oversight in governance and hosting a table, and there was no oversight attended to. Ms. Kovach stated she felt this was no different from any other Party on Park event. Mr. Heckmann said he was sorry to hear that after everything they discussed. Ms. Kovach said she respectively disagrees with Mr. Heckmann's assessment.

Mr. Heckmann stated that again this is mostly about the fact that council needs to hold its responsibility to the public as sacred. Council cannot leave it to chance that the money is not attended to. This is not an allegation of wrongdoing against a council member, it is that council does not have the necessary controls in place to feel comfortable. Council does not want to be in a nefarious situation where it is up for debate if funds are spent the right way.

Ms. Kovach stated that she feels when she has a conversation with Ms. Miller as Acting Manager about expenditures for Party on Park, as she has done in the past with the former manager over the years, that it is sufficient oversight. Mr. Heckmann answered that it is not. Ms. Kovach continued stating that if that is not sufficient oversight, it should have been noted at the very beginning of these events. Mr. Heckmann answered saying here we are, and it is being noted. Ms. Kovach stated that she knows the direction she needs to move in.

Library – Ms. Randazzo reported that the board met September 2nd. Before the meeting the committee met and worked on revisions to the policy. They haven't been updated for years. The board will act on that at the next meeting of October 21st. The board meeting date was revised due to Marilyn Jenkins' retirement as executive director of the Allegheny County Library Association retirement party. Heather Myrah will be attending that event.

Before the October 21st board meeting, board members will be interviewing three candidates for a board opening, and hopefully making a decision that evening to make a board appointment. There are three very good candidates, and the board is very excited to meet them that evening. Mr. Heckmann wished the board good luck in hiring a board member.

Also, if residents see the signs in the yards, the Love Your Library campaign began September 1st. Any donation over \$25 will receive a tote bag, and a portion of the donations will be matched through the Buncher Foundation. Ms. Randazzo encouraged patrons to make a donation as it will go towards a worthy cause.

The Friends of the Library Fall Book Sale has been cancelled; but in lieu of that, there are book bundles for sale for \$5 each. There are some very interesting books that are bundled together. Ms. Randazzo added that for \$5 you really can't go wrong.

Friends of the Library Flea Market is still planned for October 16th from 9 a.m. – 2 p.m. as long as the numbers with COVID continue to be in line.

MRTSA – The board is in the final stages of hiring a new executive director, and they are looking forward to a successful closeout. Mr. Heckmann stated that MRTSA is expecting some new additions to their fleet, and residents will see a redesigned logo for MRTSA and some new skinning on the trucks. The colors are the same and the design is pretty close to the original.

Municipal Associations –

SHACOG – Mr. Oates reported that the SHACOG board meeting will be held in Moon Township on Thursday. The board moved to return to a hybrid meeting format, and Mr. Oates plans to attend in person.

The next meeting in October will be the annual dinner. Mr. Oates may not be able to attend, but information will be forwarded to council members.

Mr. Heckmann thanked SHACOG for supporting the 9/11 event at the CSVFD.

ACBA – Ms. Kovach said she had nothing to report as an accident occurred on the Parkway East the night of the meeting, and those representatives in the South Hills sat in traffic for an hour and a half to an hour and forty-five minutes. When Ms. Kovach receives the minutes from the meeting, which was over by the time she arrived, she will give a report. Mr. Heckmann thanked Ms. Kovach and added he was glad she was safe.

Police Pension/Non-Uniformed Pension – Mr. Heckmann noted that although we have no reports for this meeting, council looks forward to lower MMO's for next year.

Manager's Report: KMA Design agreement for bidding and construction administration for the borough's wayfinding program was presented in the amount of \$13,750.00. The borough currently has an agreement with KMA for the design phase of the project for a wayfinding system throughout the borough. The initial scope will be the downtown area. The final design has not been approved, and a public meeting will be held to receive comments on the finished design. Timing requires the borough to move on the additional services agreement due to coordination with construction of the streetscape project. Mr. Swisher requested if the \$13,750.00 was in addition to the original design agreement with KMA. Mr. Heckmann answered yes, the first scope was for design. The borough is fortunate that KMA has worked successfully with our streetscape engineer David Hohman in the past. Ms. O'Malley questioned if the borough is going forward with the signage now or will a public meeting be scheduled. Mr. Heckmann answered that a public hearing will be held for the design to be vetted by the public before final approval. Mr. Astor motioned to approve the additional services agreement with KMA Design; Ms. Randazzo seconded; all in favor; motion carried.

Mr. Heckmann presented a personnel policy requiring all new employees of the borough to be vaccinated against COVID-19 prior to their first day of employment. This policy does not apply to current employees. Mr. Swisher motioned to adopt the COVID-19 personnel policy. Mr. Oates seconded; all in favor; motion carried.

The agenda contained that KU Resources RACP Funded Streetscape Design Service Proposal. This is the second phase of the streetscape with a proposed scope which may include Park Avenue, Castle Shannon Boulevard from Myrtle Avenue towards Mt. Lebanon, and the triangle outside of Mr. Magic by the transit stop. The RACP grant was awarded for \$750,000.00 and requires a similar match. Mr. Astor asked if the grant could be used to install flashing lights/crosswalks by the car wash and listed concerns about pedestrian safety. Mr. Heckmann noted that it is a PennDOT road, and the borough must abide by their controls; however Chief Truver added that he has applied for a grant for a pedestrian safety project at that intersection. Ms. Kovach motioned to approve the proposal by KU Resources for \$160,843.92. Mr. Maloney seconded; all in favor; motion carried.

Mr. Heckmann stated that remnants of Hurricane Ida has caused damage to infrastructure at the intersection of Columbia Drive and Sleepy Hollow Road. Borough engineers have conducted a site investigation and are recommending this project be listed as an emergency repair. Mr. Swisher motioned to declare the manhole/roadway repair as an emergency project. Mr. Astor seconded; all in favor; motion carried. Chief Truver has documented this emergency in the event that state funding becomes available. Ms. Randazzo motioned to authorize the borough manager to obtain quotes to proceed with the project. Mr. Maloney seconded; all in favor; motion carried.

MS4 – Mr. Heckmann reported that council is still awaiting information on grant funding for the stream restoration project. The borough has applied to two funding sources that if approved will make the project pretty close to free.

Mayor's Report – Mayor Baumgarten publicly thanked Janell Filson for putting together the 9/11 program at Myrtle Avenue Elementary School this past Friday. It went very well, and the mayor stated that he could not believe there were so many children at the school. Ms. Filson did a great job and did it all herself. Mayor Baumgarten also thanked Chief Bill Reffner for putting together the program held on Saturday at the fire hall. That was very impressive. With all the fire trucks there, the mayor hoped there wasn't a fire anywhere since all the trucks were here. Mayor Baumgarten also thanked the paramedics and police for participating. It was a sad day to commemorate, but as President Roosevelt said in 1941, "It was a day of infamy" and so was September 11, 2001. Mayor Baumgarten added that he hopes it will never happen again.

Mr. Heckmann added his thanks to Janell that the school program went very well and thanked her for hosting that. Mr. Heckmann jested saying that the speaker was kind of boring (referring to Mayor Baumgarten). Mayor Baumgarten laughed and agreed, then joked that Ms. Filson spoke more than he did.

Keystone Oaks – Chief Truver noted that the police department receives calls daily regarding late school buses. Chief Truver recommended that parents waiting for buses try to have patience. Ms. Filson agreed and stated she waited an hour and twelve minutes last Friday for the bus to drop off her children. Chief Truver added that transportation is working out the bugs. Mr. Heckmann questioned if this was on the return trip. Chief Truver said yes and asked what time it was from Janell. Ms. Filson reported the drop off time is 3:47 p.m., and the bus did not appear until 4:57 p.m. Chief Truver added that we are not the only school district having these transportation issues. Mr. Heckmann stated he was sorry for all the parents and children dealing with this issue.

Ms. Kovach questioned if our junior council member was still interested in the position. Ms. Miller confirmed she has been in touch with Abby Lyda, whose summer research project stretched a lot further into the summer than expected. Ms. Lyda had indicated that she was planning to attend this meeting.

Public Comment Period –

Janell Filson, Waverly Street – asked where council is at in the process for hiring a borough manager. Mr. Heckmann answered that council will hopefully hire on Monday. Ms. Filson questioned if council had some good candidates that they are interviewing. Mr. Heckmann said yes.

Ms. Filson thanked Mayor Baumgarten for coming to Myrtle Avenue Elementary School for their 9/11 ceremony. She also thanked Sergeant Fleckenstein for coming by with his car and Bob Sutton of the fire department. It was a wonderful ceremony.

Ms. Filson stated that she is confused on the fall festival. She had to take a phone call during this council meeting and missed some of the discussion. Ms. Filson noted that a fall event has always gone on. It is something that the CSRC has obviously put on in the past, and it was pushed back. After looking over the budget that is posted on the website from January 1, she wondered if that would be updated so that people can see what the current budget is. Even a quarterly update would be nice for residents to see where the money is going. Ms. Filson noted there is \$10,000 listed for community activities. One Party on Park event was held, which from her understanding is a CSRC thing, or was that a considered a council event.

Mr. Heckmann clarified stating that most of our street events are CSRC operated events, as they are the planning muscle that do the work to get the vendors and plan the event. Council is happy with that arrangement. In doing that, council in some ways delegates to them and says that because the CSRC board is doing the oversight approvals of those events, that allows council to allow Ms. Kovach to represent council in that regard. But that assumes that the CSRC is going to take on all those responsibilities. So, it is not enough for their board to simply show up the day of the event and be at a table to contribute that way. They would have to approve the expenditures, do the diligence behind things, etc. Ms. Filson stated she is well aware of how events work.

Ms. Filson wondered where our budget is now with the \$10,000 listed. Ms. Filson feels sure that the council itself and our community members would like to see something go on. For instance, football stadiums are packed with no one in masks. This fall event would be in an open-air area. If we are able to get something put together with Ms. Kovach and maybe some other board members step forward and say they want to help, is that something we can make happen by the end of October. It is more than a month and a half away.

Mr. Heckmann responded stating that his original reply to Ms. Kovach was that if changes were made to allow the governance issues to go away, council would proceed supporting as they have every other Party on Park event. Ms. Filson questioned if anyone on council had seen the PowerPoint presentation regarding proper protections for events prior to this meeting, and she asked if anyone on council had reviewed it. Ms. Kovach answered no. Ms. Filson asked how a council member would feel if that was aimed at you. Ms. Filson also asked if council felt that it

was something that could have been discussed at a separate executive session. Mr. Heckmann responded stating this subject was not on the agenda nor that presentation, but Ms. Kovach's statement was the reason why all had to be clarified because the public needs to know council's position on spending public money. Mr. Heckmann continued stating that when someone suggests that council in some way had a veto vote on a community event, that is incorrect. But also, that there were some ethical concerns that are truly council's responsibility to answer to with over 8,000 residents. Council will defend that.

Ms. Filson stated she understands that, but as someone sitting in the back just looking at it, it seemed very attacking on one person. Mr. Heckmann asked if Ms. Filson had read Ms. Kovach's letter. Ms. Filson admitted she did not read Ms. Kovach's letter. Mr. Heckmann responded stating that the letter read this evening was not the kindest gesture towards council. Ms. Filson said that the other people in our community did not read the letter. Mr. Heckmann stated they just heard it live from tonight's meeting.

Ms. Filson questioned where is the budget at. Is it possible to do another event prior to the end of the year for our community? Mr. Heckmann responded stating as we have even with the fireworks display, council has been willing to shift resources towards emergent opportunities; however, council will not put taxpayer dollars at risk for conflicts of interest.

Ms. Kovach stated she does not understand where this is a CSRC event. Party on Park was first started as the result of a public forum held on gathering community input on what you would like to see in a community and what direction you would like to go. Party on Park events were started by council without the input of CSRC. They were events that we, as a council, chose to move forward with for our community. The CSRC partnered with council to host events. They provided volunteers. The CSRC and the borough have been moving in tandem for the last seven years or so to get to a streetscape, and Ms. Kovach questioned why is there a conflict now. Ms. Kovach continued stating that Mr. Seekings did not seek the CSRC board's input for the letter Mr. Heckmann received. No one on the board is aware of his communications, and this will be addressed at the next CSRC board meeting. Ms. Kovach stated she does not know when this became a CSRC event because even when it was requested as to what events the CSRC would keep as their own and what were going to be CSRC/Borough events together, the Party on Park was to be a borough event. Ms. Kovach added that she does not see where the borough is not overseeing through the borough manager, and certainly anybody that wanted to volunteer or put input into this was welcome. In fact, Ms. Kovach stated she almost dragged Mr. Astor into the Party on Park the last time, but fortunately they had enough volunteers. Ms. Kovach stated that she does not see where this is coming from.

Mr. Heckmann stated he tried to explain this; but if you are concerned, I would start with what is required of you as a council person as it relates to declarations in governance to make sure that public money is spent effectively. I am happy to share, as I gestured to you in multiple emails, that there are ways to fix this process such that proper oversight is enforced. But whether you disagree with the CSRC president or not, I do not think the issue lies with council, if that is your organization president's position and was a unanimous vote of your organization. Ms. Kovach again said that this was never a CSRC initiated event. These were borough events that Ms. Kovach initiated as council president, and the sitting council at that time voted on.

Mr. Heckmann stated that he can't speak for her tenure, and council should not make this ambiguous. Mr. Heckmann called for a roll call vote. Under the conditions set forth here this evening, would council support an event as it has been described for a Fall Festival. A yes vote is that you would like to support financially the event that Ms. Kovach described. A vote for no is that you are concerned about governance issues, and you would not support that event. Council voted as follows: Ms. Randazzo-no; Mr. Astor-no; Ms. Kovach-yes; Mr. Maloney-no; Mr. Oates-no; Mr. Swisher-no; Mr. Heckmann-no.

Mr. Heckmann stated the results are here in the minutes. This is an invitation to all interested parties, boards and volunteers; there is no reason why council would not support community events. If people are unclear as to what makes it comfortable for public money to be behind it and staff, let's talk about it. Council has supported many events previously when nothing had changed. However, with the governance issues and the CSRC board president's utterance that there was never support for that event from them, council, rightfully so, is not comfortable under that pretext. Mr. Heckmann stated he would like to move on with the agenda.

Ms. Kovach asked for a copy of Mr. Seekings' letter, since the CSRC board has not seen it. Mr. Heckmann answered that it would be up to Mr. Seekings. Mr. Heckmann added that it will be in these minutes since he read from it.

Ms. Filson questioned if the budget could be updated quarterly on the website. Mr. Heckmann answered we could look at doing another version. Ms. Filson asked if there was money left in the budget for community events and will council work with CSRC to do something for our community. We have had one event, but the community as well as the nation has been locked up for how long and now, we're finally trying to get back to doing some normal things. Mr. Heckmann said he would not put words into his colleagues' mouths, but council wants more programming rather than less and have increased expenditures for the summer recreation program and fire department and their programming. There is no shortage of goodwill on that front, but it has to be safe for taxpayer money.

Other Business – Nothing to report.

Mr. Heckmann noted that council will recess to executive session on personnel matters.

Ms. Randazzo motioned to adjourn; Mr. Swisher seconded; all in favor, motion carried

Approved as presented this 27th day of September 2021.

Loretta J. Miller
Acting Manager

Mark J. Heckmann
President