

**CASTLE SHANNON BOROUGH
MINUTES OF REGULAR MEETING**

August 28, 2023

The following elected officials were present: M. Heckmann, R. Astor; J. Maloney; B. Oates; M. Randazzo; D. Swisher; D. Baumgarten; E. O'Malley. Council Member N. Kovach was absent. The following appointed officials were present: K. Truver, Police Chief; P. Vietmeier, Code Official; D. Biondo, Solicitor; K. Brett and J. Callendar, Borough Engineers.

Minutes: The minutes of the August 14, 2023 council meeting were presented. Ms. Randazzo motioned to approve the minutes. Mr. Swisher seconded; all in favor; motion carried.

Public Comment – Agenda Items: Mr. Heckmann opened the public comment section on agenda items.

Jerry Coombs, Belleville Street – thanked Public Works for filling the holes in the sidewalk. He asked to clear up the rumors about what can be used on the downtown sidewalks that you can't use salt on them. Mr. Heckmann told him that the bricks require a different salt compound so that it doesn't harm the brick. Last winter, business owners were given the appropriate salt and brooms instead of shovels for snow removal. The Borough would like to continue that program this year; it's just a protection of the investment.

Mr. Coombs noted that the new concrete at Prospect Park was terrible. He said it looks like someone just took a grinder to it and painted it gray. Mr. Heckmann responded that the Borough relies on our engineers for the rendering.

Mr. Coombs questioned whether anything was discussed about the center piece of equipment to make some sort of ladder access for an adult to get up there safely. Mr. Heckmann stated that it was flagged for our engineers.

Mr. Coombs asked if the wooden welcome signs on 88 and Connor Road were going away. Mr. Heckmann responded that with the wayfinding program, changes to the gateway signs at either end of 88 will feature larger similarly styled ones to the sign across from Mindful Brewing. Mr. Coombs put in a personal request to obtain one of the old signs.

Paul Salvayon, President, Castle Shannon Revitalization Corporation – Read the following letter addressed to Borough Council: “This letter is in response to Castle Shannon Borough Council’s draft proposal to create a façade program, and the unnecessary libelous comments made against Castle Shannon Revitalization Corporation (CSRC) that were part of this draft proposal. CSRC’s current Board of Directors does not desire nor have the intention to operate or fund such a program. Therefore, do not single out CSRC in this draft proposal. Please refrain from using CSRC to further some unknown agenda that does not align with CSRC’s present and future operations and missions.” Very Truly Yours.

Paul Salvayon, Glen Shannon Drive – this is a private comment and is not related to CSRC’s standing at all. “As a Castle Shannon Borough taxpayer, my taxpayer money should not be used to fund private property and business facades and improvements. Grant money should only be

used for this purpose. The proposed burden to taxpayers for this program has gone from a proposed \$50,000 to \$75,000. If helping private property owners of business is the goal, why not follow the suggestions of the recent review of Borough's ordinance and zoning? Has there been any discussion to update the current updated comprehensive plan as evident in the Planning Commission meeting minutes as part of the agenda of this meeting. A conditional use request was needed to go from one retail establishment to another retail establishment. How does this work for, if not a detriment to opening a new business in downtown Castle Shannon? Council should be focusing on legislation and help foster development and improvements of publicly-owned infrastructure, not private property and businesses. Thank you"

The public comment section was closed.

Real Estate Tax Collector: Ms. O'Malley had nothing to report. She noted 31st is the last day for the discount and she will be open 10-4.

Council Committee Reports

Public Relations/Communications – Mr. Heckmann announced the identity of the new Borough Manager. Council this evening will consider the approval of the contract for Mr. Michael Foote. He joins us most recently from Lancaster and has a long history as municipal manager at both the township and borough level. Michael was the unanimous selection of Council during the approval process that was hosted by a third-party consultant, Strategic Solutions. That recently has come to a close provided Council moves to approve that contract with the municipal manager. Michael is thrilled to start and is looking to move to the area. He will relocate to this area and his first day will be September 5th and will be in a transition phase and be in here three or four days a week as he phases out of Lancaster. There were about 12 or 13 candidates and Mr. Heckmann believe we go the best one. Ms. Randazzo looks forward to working with him. Mr. Astor motioned to approve. Ms. Randazzo seconded; all in favor; motion carried.

Mr. Heckmann introduced the subject of garbage accommodations for disabled residents. He reminded the audience of the policy change that was accepted at the last meeting. The proposal from Waste Management was accepted to convert our trash collection over to automated collection. Each property owner will be given a specific type of bin for their solid waste and a bin for their recycling.

The bins are constructed so that a robotic arm can lift them more safely or with less injuries. The bins are heavy duty and will be less prone to issues around trash blowing loosely through the neighborhood and would be less likely to be accessed by pests. These two factors, not alone, are a motivating reason why we restrict how long trash can be at the curbside. If we have good compliant usage of the automated collection, the next Council would then have the opportunity to weigh in on the appropriateness of expanding the timing where trash can be out. This is a different conversation from an accommodation made for disabled residents.

Council is open to discussing our expansion of our hours for trash collection, motivated because we made the switch in the type of trash collection. As it relates to the specific accommodation for disabled residents, Council I believe remains open to a solution to that. However, if we elect

to widen the hours for all residents, for how long their trash can be curbside, that may provide us enough of a relief to our disabled residents that they would not need a further accommodation.

Where the item stands now, we want the Codes Official and his staff to survey communities that have made the conversion and understand the timing constraints that they are up against, whether its due to darkness, other seasonal constraints and report back to Council. But we want to study the issue before we change anything. No vote or any policy changes are happening this evening.

Jerry Coombs – Belleville Street – He would like some kind of special sticker to have an exception to a rule. And if everybody has a sealed container, push the time back to noon to put the can out.

Mr. Heckmann stated that anyone who is commenting that it is helpful if people gave specific time recommendations.

Mr. Coombs stated that if elderly residents have family visiting, they can take the garbage out on their way out the door.

Ms. O'Malley commented that having a sticker on the bins isn't a good idea as it could alert those who are looking for trouble would know that a disabled resident lives there. Ms. Coombs responded that Code Enforcement could have a list.

Dave Seiler – Arch Avenue – He researched other SHACOG boroughs and one community stood out because they wanted to inform the public about the trash. Large gatherings, holidays, Christmas trees and large family trash containers that there isn't the accommodation for all that trash. The community mainly wanted the public to be aware of the change and he doesn't believe our Borough informed residents regarding the potential change.

Mr. Astor commented that he thought that large/bulk pick-up days would be included in the contract. Mr. Heckmann mentioned that many communities have free Christmas tree mulching that you can drop off the tree or repurpose the tree. We would have two bulk pick-ups per month, meaning you can put two large items at the curb on alternating weeks. These dates would be marked on the waste management calendar.

Mr. Heckmann said that Council will table the request made by Council woman Kovach to obtain personal contact information of constituents upon request. We do not have a policy about constituent-level contact information as much of this information is privileged, not public. The request prompted us to confer with our counselor to ask if we should create a policy. It was added to the discussion but only on Sunday did Ms. Kovach inform us that she would not be at tonight's meeting. The recommendation to Council is to table the discussion. Mr. Swisher asked to clarify that is businesses or people with businesses in town. Mr. Heckmann responded that the request was for business people or anyone in the downtown that could be the property owner or the business itself. Motion to table the discussion made by Mr. Oates. Mr. Maloney seconded; all in favor; motion carried.

Mr. Heckmann welcomed Kevin Brett and Josh Callendar, on behalf of our Borough Engineers, who presented a Parks Plan update, Lower Hamilton. The contractor will be back on site tomorrow working on the sanitary sewer that runs parallel with the synthetic fields and then

follow up with the storm sewers. The effort will be concentrated on lower Hamilton. In September, the field turf contractor will be mobilizing in with prep work top soil, drainage work and curb work. This will last about two months; turf will go in sometime in November.

Mr. Heckmann questioned upper Hamilton. Mr. Brett answered that contracts are currently out for bid for the splash pad, storm sewer work and the sanitary sewer connections and utilities. Bids open up September 7th.

Mr. Heckmann noted that there has been conversation about the stairwell from upper Hamilton down to Fountain Street. Our bond package reflected that work will continue, however, no bid has been awarded and we have bid listed as add alternate. If Council determined that means of egress is not of interest in going further or we want to reduce construction costs, we bid it in such a way that it can be carved out of the package.

Mr. Heckmann opened up for comments and/or questions for our engineers regarding pending projects.

Mr. Swisher asked if it was a two-month period for the field to be done. Mr. Brett said they can work in the winter and gave the example of another community that had work in the winter and the fields were opened in April. It's very conducive to winter work.

A resident asked if the curb water feed for lower Hamilton is sufficient to stay as is. Mr. Brett said the brand new one as well as at the splash pad at upper Hamilton; new meter, new sanitary sewer and electric connections. A manhole that could not be found years ago was located and now has been raised. The splash pad will have a recirculation tank in it and is more compact.

Another resident questioned an open trench at lower Hamilton with no fencing around it. He also noted that the gates were wide open and there were no "No Trespassing" signs posted. Mr. Brett answered that the contractor is well aware and temporary fencing is going up.

A resident asked if there was an observation or inspection for underground utilities provided by Lennon Smith. Mr. Brett answered in the affirmative that for demolition work they spot check but for utility work somebody is there full time. Spot checks for field work as well.

Mr. Brett added that the road program is wrapping up pending good weather.

Mr. Heckmann added that council and engineers met with the vendor on site regarding the shade sails. Three things are being considered; lines hung to re-position the existing fabrics, 1) keep the existing fabrics but change the anchor points so that they're better situated to throw more shade, still do option one but potentially add more fabric to throw more shade and orient them in a new way and 3) reconfigure it all together and come up with a new means. It's being studied and will bring back a recommendation to Council.

A resident asked if shade sails will be used at Hamilton. Mr. Heckmann replied that they are but there none other than the ones mounted on the play equipment.

Building & Grounds/Public Works: Mr. Maloney reported that Public Works has been busy planting in the parks and touching up line painting around the borough. Sewer issues from the last couple weeks have hopefully been taken care of on Hamilton Road and Clara Avenue. They'll be back up at municipal field to get ready for fall baseball season.

Public Safety/Fire: Bill Reffner, Chief Castle Shannon Volunteer Fire Department – stated they've had a steady month, averaging a call every other day. In-house fire training on August 14th, they did hose line advancement and experiments with new hose packs. May be changing the hose packs in January after some of the members preferred one over another. On August 21st aerial operations, large area search techniques and exposure challenges in the downtown district. He thanked Council for allowing the CSVFD to use Vitte's as a training and asked if the fire department could continue to use that location for training into September as it's a great building to have.

In the process of bringing in two members this month; one associate member and one firefighter member. This will bring membership up to ten new members this year. The ones that came in will start SHACOG in January for interior firefighter stuff.

Mr. Swisher asked Chief Reffner if there was some kind of waiver or liability insurance for the firefighters training at Vitte's. Chief Reffner reported that all firefighters who participated in the training will sign new waivers each time. There will be further discussion going forward regarding insurance liability for these firefighters. Mr. Biondo stated that the fire department has insurance as well as the Borough but will check with the Borough insurance carrier for the level of insurance.

Chief Truver presented a radio frequency coordination letter of concurrence he received from Washington County Department of Public Safety. They want to employ a radio channel that's somewhat close to the band of our Public Works radio channel. We are the licensee for the 153800 frequency, they promise that it won't interfere with our transmissions. If it does interfere in any way, they will cease operation of that radio channel. Mr. Oates motioned to authorize the appropriate Borough official to execute the document and send the letter of concurrence to Washington County. Dan Swisher seconded; all in favor; motion carried.

Mr. Astor motioned to approve the personnel disciplinary action. Ms. Randazzo seconded; all in favor; motion carried. Mr. Heckmann announced that this occurred in executive session tonight.

Finance: Mr. Swisher reviewed the check register for August 18th and questioned the PA Downtown Center membership and if we were still involved with that. Mr. Heckmann answered that the Borough has its own membership and that the \$475 is an annual membership fee. Mr. Swisher had no questions on the check register for August 25th. Mr. Swisher motioned to accept the check registers. Mr. Astor seconded; all in favor; motion carried.

Community Activities/Planning & Codes: Mr. Heckmann moved on to the discussion of a façade program. He explained that the Borough has had a façade program hosted by the CSRC with funding provided by the DCED and operating funding provided by the Borough. The program ended in the last few years and we are questioning if we now want to continue. This is just a discussion to see if there's a recommendation by Council to include it in next year's budget.

Mr. Heckmann presented some facts from the previous façade program: Ten facades were improved through the DCED match funded program. A total of \$27,885 was spent toward matching that was of the \$50,000 that the DCED was prepared to offer as match dollars. So, the full amount was not able to be expended.

As a result of not just that investment but our other investments in downtown, streetscape and otherwise, rents have increased throughout downtown. Vacancies are at an all-time low, with many buildings that have recently sold or in the process of being renovated. Mr. Heckmann mentioned a few of the stores that were formerly or recently vacant and are coming back online.

A slide presentation was shown, highlighting side by sides of various downtown businesses with improvements to their facades in recent years. Mr. Heckmann read positive quotes from building or business owners on how the funding from the façade program was beneficial to them.

Hosting a private façade program that isn't related to the DCED would allow us to make some policy shifts that could help us deploy the money and make it easier to get it in use. Mr. Heckmann went on to explain the application process through DCED for obtaining façade grants.

The previous façade program did not allow for improvements to be made to the side, residential properties in the downtown area, ability to consider larger dollar amount requests. Making it a Borough run program would streamline the efforts. The Borough would approve all allocations and current elected officials would be forbidden from receiving any monies from the program.

Mr. Heckmann asked for discussion, not any action from Council for a \$75,000 allocation in the 2024 budget. This would be a three-year allocation and the funding would be pursued from ARPA which are federal dollars. Dormont Borough have successfully raised money from the ARPA funding package to fund their façade program. ARPA is still money available to us and the balance available in our allotment is about \$535,000. So our ask is about \$75,000 but ARPA could present funding vehicle for this.

Also, the Borough can apply directly to DCED funding but accepting that money, we would be accepting their restrictions and with priority given to Mainstreet organizations. We would be applying without that priority.

Mr. Heckmann opened up the discussion for generic consideration of Council. And to residents.

Mr. Swisher asked who wrote the document that was written up for the Castle Shannon Borough Façade Improvements Grant Program. Mr. Heckmann answered that Krista provided the majority of the content and the section at the bottom related to policy changes was written by Mr. Heckmann.

Mr. Swisher found something very disturbing that was listed in both the Green Book and Council Mail. The line one of the reasons why the Borough should host program instead of the CSRC as before, it stated "a lack of transparency and ethical conduct by elected officers on the CSRC board." He can't believe that this was published and felt that it was unnecessary and he should have stopped at the word "transparency."

Mr. Heckmann proceeded to talk about the concerns that were cited. He went on to say that Council is responsible for stewarding taxpayer dollars and how they're spent. And that when things that are ethically compromising are seen, the job of Council is to cite it for the benefit of the taxpayers.

There are years of information in our minutes, in our proposals where the flow of tax money from the Borough to the CSRC, any of those years that Nancy was present. Mr. Heckmann spoke about how taxpayer monies are moved to a nonprofit, not overseen by your government should know how it's being spent. 24% of the \$28,000 façade funds went to Nancy's business and her son in law's Cesar Velasco in amounts totaling \$6,650. Mr. Heckmann went on to explain that the Borough is responsible as fiduciaries and asked the appropriateness of a borough official benefitting from moving monies from a borough to a non-profit that you benefitted from.

He stated that there were no records for the approvals for the votes that were found in CSRC meeting minutes; the only mention of these votes was at the committee level. And that Borough Council was never informed of the financial benefit Councilwoman Nancy Kovach and her family received prior to CSRC awarding this money.

Borough regulations and CSRC by-laws specifically mentions that individual members have fiduciary duties. Section 2, director of the corporation shall stamp a fiduciary relation to the corporation. Section 4: No part of the assets of the corporation shall ever in you then the officer, director, or any individual earnings. net earnings will inert the benefit of the individual members." The Borough Code forbids any of us from receiving financial benefits other than the small stipend received.

Also, Councilwoman Kovach's building and the benefits received were technically not permitted by the DCED funding policy, and there's documentation of all this. She received improvements to her façade that were to sides of her building were not street facing. Her original request to receive façade money was dated 2014.

Mr. Heckmann projected on-screen, copies of the proposal for work, checks that were written to Ms. Kovach from the CSRC in order to reimburse her. The DCED parameters does not fund improvements to non-street-facing sides of buildings. She received all new windows (10) on every face of her building.

It was argued by a council member that Ms. Kovach was not there to explain herself.

Mr. Heckmann presented copies of the CSRC tax form 990 that is required to be filed by all tax exempt organizations. The copy of the 990 shown on the screen was from 2018 and. Officers of the organizations are required to declare any referable compensation or any other compensation. A cashed check for \$1650 was shown in her benefit. One officer signs off on the 990 tax form, the treasurer who at that time was Ms. Kovach and there was no reported compensation.

A resident commented that the slide proposal Mr. Heckmann presented was not part of the agenda and questioned how he has the records copies and data he presented. The resident claims that the solider banner program that records show the Borough taking the monies and not supplying the banners. There was a back and forth between the resident and Mr. Heckmann about who oversaw the façade program and who approved the allocations for funding.

The resident continued on stating that he feels it's unethical to have the person that is being accused here tonight.

Annie Shaw, Glen Shannon Drive - recommended Mr. Heckmann take his concerns to the State Ethics Commission and made the claim that he continuously violates the Sunshine Act. Mr. Heckmann said that the filing is a great next step but it's important for Council members and the public to see this information.

A council member asked why this is the first time seeing this. Mr. Heckmann responded that it's only because the façade program is up for renewal and that it's a good time to consider funding it again. He looked into what policy changes needed to occur for this to work well. Council member voiced his concern as to why this is all being published before it was presented and without the council member's presence at this meeting to defend herself.

Richard Goff, Glen Shannon Drive – questioned why does it seem like the council president and one other person put this together. He asked if would've been better to discuss it among all of council and then come to a consensus.

Eileen O'Malley, Baldwin Street – stated that to attack someone when they're not here is absolutely disgraceful and that Mr. Heckmann talks about unethical behavior in politics and claims that Mr. Heckmann is part of a company that rents space at the fire hall. Mr. Heckmann responded that he is not a part of the company, they were a client of his.

Dave Seiler, Arch Avenue – the wayfinding insignia is showing up on documents that it shouldn't be on. He feels embarrassed by how the president is speaking about someone who is not present. Mr. Seiler announced that he was running for Council. He agrees with Mr. Goff that this all should have been sprung onto Council tonight.

A resident suggested that this discussion happen when Ms. Kovach is back at the next council meeting.

Library – Ms. Randazzo reported that the Library will closed for Labor Day.

The first library board meeting of the new fall season will be held Thursday, September 7th at 7:00 p.m.

The fall book sale will be held September 14th-16th.

Adult bingo will be September 29th at 1:00 p.m. and lastly, the vendor and craft fair is November 18th from 10am-3pm. They are looking for crafters and vendors, anyone interested can call the library.

MRTSA – Mr. Swisher reported that they met last week but has nothing to report.

SHACOG – Mr. Oates will be attending the monthly Board of Director's meeting this week in West Mifflin Borough.

Manager's Report – Nothing as the Manager will start next week, September 5th.

Mayor's Report – He is embarrassed by what occurred tonight. He hates to see that this will be a part of the minutes and will go out into the world without any response by the person who is being accused. He said it seems to be a trial without a jury and doesn't seem right to him.

Planning Commission – Mr. Vietmeier said there was a planning commission meeting last week and Barbara and James Campbell of Elm Avenue are consolidating their property at 3546 Elm Avenue. It was sent to the conservation district for their review before Council accepts it.

Keystone Oaks: School is back in session. Chief Truver stated that the superintendent called for a meeting of the police chiefs and the school police department. This should be some time this month to meet all the officers and know what their plans are. There is an armed officer there and her name is Officer Dolfi.

Public Comment:

Kevin Brannon – Home Avenue – asked Mr. Heckmann what the special considerations for Home Avenue would be. Mr. Heckmann stated that the Borough has asked the waste company to put some in the proposal but we had the ability to add to those. Mr. Brannon pointed out on a map that the last house on Belleville (the back of their yard is on Ridgeton). They have been putting their garbage in their can and driving it down Ridgeton, up 6th Street and placing it on Belleville Street for 30 years. Can we give the people access to have their garbage picked up on Ridgeton? What can be done with the people on Home Avenue?

Mr. Vietmeier reported that there could be a special pick up for these residences.

Annie Shaw – Glen Shannon Drive – wanted to know more about the selection process for the manager. Mr. Heckmann explained that a third party (Strategic Solutions) was hired to facilitate the process; they ran advertisements in common municipal places. Once resumes were received they were pre-screened which involved a phone call between a Strategic Solutions staff member and the individual (no Council involvement). They then would make a recommendation to include or exclude a candidate and that would either move them ahead or not. Council would then receive the full pipeline to see all candidates, those recommended as accepted and rejected. Council empowered Strategic Solutions to schedule first interviews with the accepted candidates. There were five total. Ms. Shaw questioned why Mr. Heckmann did not declare executive session since there were more than four council members present for the interviews. Mr. Heckmann disagreed with her. First interviews

Ms. Shaw questioned how many council members were involved in those interviews and.

Jerry Coombs – Belleville Street -asked Chief Truver which schools would have the armed officers. Chief responded that all Keystone Oaks schools have an armed officer.

David Seiler – Arch Avenue – asked if the 10 new volunteers at the CSVFD could come to a council meeting to be introduced and thanked. Mr. Heckmann has no issue extending the invite and Chief Reffner stated that a majority of them were at the fireman's carnival. He can ask them if they can attend a meeting in the future.

Jerry Coombs – Once again, he would like to see if the Borough can do anything about the handicap issue that municipal and commercial properties have handicap spaces properly painted. Mr. Heckmann said that he believes that municipal property is ok and that we can make the recommendation to commercial property owners but can't mandate it.

Public comment was closed.

Other Business: Mr. Astor reiterated that the question the Mayor had regarding tonight's minutes. They do not become public until they are approved which means Ms. Kovach has an opportunity to defend herself. Mr. Heckmann responded that she cannot amend what was presented but certainly can respond before it's made public as part of the normal process.

Mr. Oates apologized for the embarrassing display for Borough Council to behave this way tonight.

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

Approved as presented this 11th day of September 2023.

C. Michael Foote
Borough Manager

Mark J. Heckmann
Council President