

**CASTLE SHANNON BOROUGH  
MINUTES OF REGULAR MEETING**

September 11, 2023

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

**Minutes:** The minutes of the August 28, 2023 council meeting were presented. Mr. Astor motioned to approve the minutes. Ms. Randazzo seconded. Ms. Kovach abstained. Mr. Oates and Mr. Swisher were opposed to the motion. Motion passed 3 to 2.

Mr. Swisher stated that unless the language would change, he would not approve the minutes. Mr. Heckmann asked if Mr. Swisher was suggesting a language change. Mr. Swisher answered yes. Mr. Heckmann advised that Mr. Swisher would have to make a motion. Mr. Swisher stated that he was advised the minutes were already published. Mr. Swisher motioned to revise the minutes and remove a line referring to unethical conduct by an elected official on the CSRC board from both council mail and council agenda. Mr. Heckmann advised that meeting minutes have to reflect what actually occurred at the meeting. As there was a 3-2 vote to approve the minutes, the meeting continued.

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

Mayor Baumgarten stated he believes the minutes were wrong and should have been changed to eliminate any discussion pertaining to a council member that was not in attendance. He continued stating that it was a shameful act, and a trial without a jury. The discussion should not have been part of a public meeting. If council members need to confront another member where it involves perhaps some wrongdoing, it should be discussed with council and among council members to determine if they should be sanctioning that member. Mayor Baumgarten said he has been a part of council for fifty years and has never attended a meeting like that in his life. In the past, council members have had arguments and disagreements; but it never got to this point in a public meeting. Council voted to adopt the minutes as written, and Mayor Baumgarten stated that this is a shameful act that will start an argument between council members at a public meeting. This will give a black eye to this borough because of this. Mayor Baumgarten believes the minutes should not have been approved, and the discussion tabled to a future meeting while council tried to resolve this issue.

Mayor Baumgarten admitted that he does not know what the rules are for a façade grant as to who can and cannot apply. He does know that two property owners applied for and were approved for the grants. He would like to see the rules and regulations or applicable requirements for who can and cannot apply for a façade grant and added that one applicant was not even a public official – only related to one. Mayor Baumgarten reiterated that if there is any regulation that prohibits a property owner (who happens to be an elected official) from receiving a façade grant, then he would like to see it.

Mayor Baumgarten stated to Council President Heckmann that this was all politically motivated to get his chosen recruited candidates elected.

Adam Williams, Killarney Drive –became a Castle Shannon resident in 1989. Mr. Williams stated that there seems to be an appearance of impropriety and asked if there was a code of ethics or conduct that governs elected officials in the borough. Mr. Heckmann answered there is the Pennsylvania State Ethics Act in addition to the Borough Code which has stipulations as to appropriate conduct for council members. In addition, the CSRC (as a non-profit organization) has governing bylaws and IRS regulations. Mr. Williams asked if there were provisions for violations of the codes. Mr. Heckmann answered yes, depending on which one. A filing could be made for the PA State Ethics Act if there was a breach. Mr. Williams feels that council should review the code of conduct and ethics to see if those guidelines have been broken. Mr. Williams said that he expects misbehavior or corruption at the federal, state and county levels; but he expects his local officials to act in his best interests, be held to a high standard, and be held accountable for their actions.

Ms. Kovach motioned to amend the agenda to authorize a third-party attorney, recommended by the borough solicitor, to investigate all alleged unethical conduct by any council members.

Mr. Williams said that it seems that there is a possible misappropriation of funds and layering on an additional expenditure compounds the problem.

Ms. Kovach stated that this was the advice she received. If the borough has issues with ethics, then a third-party should conduct an investigation. Mr. Heckmann stated council will review Ms. Kovach's motion after the public's comment.

Michael Warhold, Middleboro Road – stated that as a former board member of the Castle Shannon Revitalization Corporation, there was no unethical conduct. Interested businesses applied for a grant which was reviewed by a Façade Committee. The business owner/property owner paid for the improvements, and the CSRC reimbursed the owner for half their expense. Then the CSRC would submit a reimbursement request to the state. In the case being discussed, the reimbursement to CSRC was turned down for some technical reason. If there is any wrong doing and the state turned down the funding, the property owner should have been notified. There have been many main street managers; and if they saw an issue, it would be common decency to ask about this discrepancy. Revitalization handled the program by paying the money back, and the funds were paid back.

Mr. Warhold asked Ms. Mosher if she had done façade improvements. Mr. Heckmann reminded Mr. Warhold that he should be addressing council. Mr. Warhold suggested that Ms. Mosher may not have known about this situation and perhaps it fell through the cracks. Mr. Heckmann stated that the main street manager at the time was Justin Philman and thanked Mr. Warhold for his comments.

Mr. Heckmann continued stating that this is an item for discussion at the end of the agenda, and council will be returning to this discussion. The public comment section was closed.

Mr. Heckmann returned to Ms. Kovach's motion. Ms. Kovach again stated her motion. Mr. Heckmann said that he believes this motion is far too vague. Mr. Biondo stated that if this

motion passes, he would ask that attorney to meet with appropriate council members to discuss their concerns. Mr. Swisher seconded the motion. Mr. Astor questioned if all council members would be investigated and agreed that the motion is too vague. Ms. Kovach specifically identified that Mr. Heckmann is a franchise partner with Koala Insulation, and that Mr. Heckmann negotiated rent from the CSVFD and then negotiated rent for Koala Insulation which Ms. Kovach believes is a conflict of interest. Ms. Kovach believes there are other ethical issues that are worthy of investigation.

Ms. Kovach reiterated her motion to amend the agenda to authorize a third-party attorney (recommended by the borough solicitor) to investigate all alleged unethical conduct by council members. Mr. Swisher seconded the motion. A roll call vote was held to approve the motion: B. Astor – no; N. Kovach – yes; B. Oates – yes; M. Randazzo – no; D. Swisher – yes; M. Heckmann – no. As the vote was tied 3-3, Mayor Baumgarten cast the deciding vote – yes. Motion passed four to three.

Mr. Heckmann stated that Mr. Biondo will keep council advised of next steps, and he hopes that residents concerned with overspending on fishing expeditions with tax dollars will hold council members accountable to that same code.

**Bid Openings:** Mr. Stanton reported that the bid opening took place for Contract No. 23-PK-9 - Restoration and Plantings Group 2 and 3 Park for Upper and Lower Hamilton. After review with staff, Mr. Stanton recommended rejecting the bids to clarify the scope with the public works department. Mr. Astor motioned to reject the bids and rebid after clarification of scope of work. Ms. Randazzo seconded; all in favor; motion carried. Mr. Swisher questioned if this bid was for steps on Fountain Street. Mr. Stanton answered no, it is for landscaping services.

Mr. Stanton reported that no bids were received for an advertised bid opening on Contract 23-PK-11 – Upper Hamilton Splash Pad Site Preparation, Storm Sewer, and Utilities. Mr. Swisher motioned to rebid the project in accordance with borough code. Mr. Astor seconded; all in favor; motion carried.

Mr. Stanton also reported that no bids were received for an advertised bid opening on Contract 23-PK-12 – Upper Hamilton Trails and Splash Pad Concrete. Mr. Oates motioned to rebid the project in accordance with borough code. Mr. Swisher seconded; all in favor; motion carried.

**Public Presentations:** Julia Spicher, Manager of Regionalization at ALCOSAN, discussed the process of regionalization for customer municipalities like Castle Shannon. ALCOSAN will take ownership of and responsibility for long-term maintenance for certain multi-municipal sewer lines. This affects four different areas in Castle Shannon. The resolution has been passed supporting the regionalization, and LSSE has identified and addressed line defects. Final agreements will be received within the next month, and thereafter DEP can transfer the permits to ALCOSAN. Mr. Heckmann stated that the regionalization effort is to convey ownership for critical infrastructure to ALCOSAN for their stewardship and reinvestment. Mayor Baumgarten stated that many years ago, he and several members of council advocated strongly for ALCOSAN to take over the lines. Mayor Baumgarten is pleased to see this process moving forward.

Mr. Biondo advised that the resolution was passed authorizing the actions necessary. Ms. Spicher stated that an electronic document will be sent to the borough manager for execution. Mr. Biondo added that the agreement has been negotiated over a number of years and is the same for all municipalities that are part of the regionalization. A resident questioned what kind of rate increase should the residents expect. Ms. Spicher answered that ALCOSAN is under a federal consent decree to eliminate overflows in the system by about 9 billion gallons of sewage that goes into the rivers. ALCOSAN petitioned the EPA, DEP, and the health department for more time, and ALCOSAN is keeping their affordability for that plan to upgrade the treatment plants and to build conveyance tunnels along the rivers. Regionalization is a key part of that. Ms. Spicher described the GROW program which provides some financial support for municipalities to make improvements to the system. The whole plan is in excess of \$2 billion. The residential rate is expected to go up by 7% per year for the next five years, regardless of participation in regionalization. ALCOSAN recognizes the financial burden and is petitioning for federal grant funding to assist with the costs. All of the information is available on the ALCOSAN website, and ALCOSAN is hosting an open house on September 16<sup>th</sup>.

A resident questioned if a problem with the sewer line occurs, should residents call ALCOSAN or the borough. Ms. Spicher answered that if an overflow or backup occurs on a transferred line, ALCOSAN would be responsible. The same resident questioned what ALCOSAN's response time would be. Ms. Spicher answered that ALCOSAN is open 24 hours a day, 365 days a year, and crews are on staff with appropriate equipment. Response time averages 24 hours.

Mayor Baumgarten added that council also advocated for ALCOSAN to take over the entire Saw Mill Run sanitary system. Up until then, the borough is responsible for all repairs on that line, which is not in the greatest shape. The line has been moved several times due to construction on Route 88, and the creek is on top of the sanitary line. Since ALCOSAN is taking responsibility over the line, this will save the borough a lot of money in repairs. Mayor Baumgarten is grateful that ALCOSAN is taking possession of these lines, and this will be a savings to the borough.

A resident questioned who would monitor the water reduction meters. Ms. Spicher stated that ALCOSAN has water reduction meters that customer service would provide if it were a tributary to a trunk line that ALCOSAN owns. If not, it would be the borough. The resident discussed that fact that for people that water their lawn, the water does not drain into a sewer line; therefore, they could save money on their sewer bill.

**Real Estate Tax Collector:** Ms. O'Malley reported that she received many real estate tax payments from mortgage companies on August 31<sup>st</sup>; therefore, her report will be submitted for the next council meeting.

### **Council Committee Reports**

**Public Relations/Communications** – Mr. Heckmann welcomed Michael Foote as borough manager and added that Mr. Foote will be moving into the South Hills area. All of council supported his nomination.

Mr. Heckmann introduced a discussion on Ms. Kovach's request to be given private contact information for constituents. Ms. Kovach responded stating that she did not ask for private contact information, and her request was for contact information for businesses in the downtown

area. She added that she does not appreciate people dropping into her place of business while working and believes other business owners feel the same way. Ms. Kovach would like to send business associates and constituents an email asking for their opinion on streetscape, offering her assistance to better serve the businesses, and asking for a convenient time to meet. Ms. Kovach believes that this information should be a public list that could be provided to her.

Mr. Heckmann said that apart from the move against spam that every industry has entertained, the information displayed on the public Main Street website has a business directory that provides contact information for businesses that consented to have their information made public. This website was created by our main street manager in consultation with business owners where Ms. Mosher would ask the business owners what information they wished to have made public. Ms. Kovach stated that she just wants a list on a piece of paper so that she did not have to utilize her time creating a list. Mr. Heckmann added that larger issue here is the consumption of staff time to deliver information in a way that was being requested when staff time was already committed to make the information available to the public on a website. Ms. Kovach believes the information is written down somewhere and just wants a copy. Mr. Heckmann answered the information is written down on the website.

Mr. Heckmann said there is no policy decision this evening unless there is a motion to do so. The question was raised whether this was a good time for council to consider a policy related to the provision of private tax payer information at the request of an elected official. A resident reiterated that the information Ms. Kovach is requested is on the website and available to the public, and let us move on to another subject. Mr. Heckmann asked council if there was any interest in entertaining a formal policy related to the provision of customer or private information, keeping in mind that there are data fields collected that are proprietary for a reason, i.e., police information relating to crime, tax payment information, etc. that cannot be made public. Mr. Heckmann summarized saying should council allow an elected official to ask for personal information. Again Ms. Kovach stated she did not ask for personal information since the information is on the website; therefore, it should be written down somewhere.

Mr. Biondo advised that staff should review this matter to determine if there is a policy or procedure to follow. Mr. Heckmann clarified that staff is being asked to formulate a policy for council's consideration to create (if any) limits on the provision of this information. The fact is that the information has been made public, and council is not interested in spending the public's dollar to change the format. A resident stated that Ms. Kovach is only looking for business information, not personal information. Mr. Kovach confirmed that as true. Ms. Kovach made a final comment that the borough pays staff to provide information to council. Mr. Heckmann answered that staff is paid to do the work of the public, not the work of individual council members.

Ms. O'Malley asked to be considered when providing information for phone numbers, as many times she receives unsigned checks or incomplete addresses, and she may need to contact a tax payer. Mr. Heckmann answered that this is an example where the needs of the tax collector are a business function of the organization.

**Public Safety/Fire:** Chief Truver reported that work on the pedestrian crosswalk at Mt. Lebanon and Cooke Drive has started. The ADA ramps will be completed next week; however deliverable materials will not be available until December.

Bridge construction on Castle Shannon Boulevard will continue with the road opening projected for mid-October.

Construction from the gas company will begin on Willow Avenue tomorrow on the blocks between Connor Road and Hastie Road. The contractor is NPL Construction Company. A resident from Willow Avenue stated they have not received a notice of the project; however, paint lines were marked on lawns and the street. The police department syndicated gas company information about the construction on the police website. Chief Truver believes the company will be more communicative when they reach the areas where residents park on the street. The project will be lengthy as the scope is from Connor Road to Baldwin Street. A resident questioned whether the driveways and yards would be torn up from construction. Chief Truver answered that he believes the gas line is in the street, not along side of the properties.

The police department has posted a “Do Not Solicit” form on their website for residents to input their information. The information is then given to solicitors who are advised to avoid those addresses. Residents can also post “No Soliciting” signs.

A resident reported that the lighting on Castle Shannon Boulevard was out one evening on one side. Chief Truver answered that the contractor had to stop the conduit there for access; therefore, the section from the bridge to Library Road was out.

Mr. Heckmann thanked the borough’s first responders for their static display on September 11<sup>th</sup> at the Castle Shannon Volunteer Fire Department.

**Finance:** Mr. Swisher reviewed two check registers. Mr. Swisher had no questions for the September 1<sup>st</sup> check register. Mr. Swisher asked Chief Truver about an IACP expenditure on the September 8<sup>th</sup> check register. Chief Truver explained it was for the International Association of the Chiefs of Police. Mr. Swisher had no further questions.

**Library** – Ms. Randazzo reported that the Library Board of Trustees met September 7<sup>th</sup>.

Friends of the Library Fall Used Book Sale will start September 14<sup>th</sup>. Ms. Randazzo urged residents to attend.

Ms. Randazzo welcomed Michele Klien as a part-time library page to the library staff.

The Little Free Library of Castle Shannon has been placed in the top three of the Pittsburgh City Paper Best of Pittsburgh Readers Poll.

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

The Allegheny County Library Association Love Your Library campaign started in September. Patrons who donate to the library will receive a sign. Ms. Randazzo urged people to make a donation and visit the library to explore all their various programs.

**MRTSA** – Mr. Heckmann reported that the MRTSA Board is working on the 2024 budget. The community assessment numbers will be factored into borough’s annual budget. Revenue reimbursement rates continue to be low from insurance companies and the government. Mr. Heckmann declared that MRTSA provides the best service in Allegheny County and Western Pennsylvania.

**SHACOG** – Mr. Oates plans to attend the monthly Board of Director’s meeting on September 21<sup>st</sup> in Jefferson Hills.

Mr. Heckmann plans to attend the Franchise Authority Board meeting on September 19<sup>th</sup>.

**ACBA** – Ms. Kovach attended the ACBA Board of Directors meeting on September 7<sup>th</sup>. The district meeting will be November 9<sup>th</sup> for elections. The interest in the Public Partners Program remains very high. ACBA is accepting nominations for Borough Official of the Year. The ALOM Compensation and Benefit publication was distributed earlier this month. The General Membership Meeting will be held at Trinity Center on December 14th. Upcoming events include a Healthcare & Retirement Seminar and Public Works Training & Seminar.

**Pension Plans** – The agenda contained and council approved the 2024 Minimum Municipal Obligation Worksheets as follows: Non-Uniformed Pension Plan (Defined Contribution Component) - \$4,624; Non-Uniformed Pension Plan - \$194,204; Police Pension - \$360,619.

Mr. Heckmann believes that 2025 will be an onerous year for rates paid for both increased pension contributions and increases in the waste contract. The 2024 MMO’s will be included in the budget which will be presented in a public forum this fall.

**Manager’s Report** – Mr. Foote deferred to Mr. Stanton who discussed the progress of Dragun Contracting at Lower Hamilton Park. There are concerns with the progress, and we are continuing to move forward with notifications to the assurity company. Mr. Heckmann read the following motion: to authorize the borough manager to take such action as he determines necessary to most expeditiously complete the work required by Hamilton Park Contract 23-PK4 – Infrastructure and Retaining Walls including but not limited to termination of the agreement with Dragun Contracting and Landscape Design after consultation with Lennon, Smith, Souleret Engineering, the borough’s consulting engineer. Mr. Astor made the motion. Mr. Swisher seconded; all in favor; motion carried.

**MS4** – Mr. Stanton presented the Castle Shannon Borough Annual MS4 Update and discussed the permit overview, the annual MS4 tasks, the PA DEP compliance evaluation, the total maximum daily load plan status on Saw Mill Run which was funded by a Growing Greener grant, and permit renewal.

A resident questioned who was responsible for observing construction for EMS controls for water and gas company projects. The same resident continued stating that when the water company did a project on Glen Shannon, there were no silt sacks in the inlet. Mr. Stanton answered that those projects were undertaken by private utilities who would have to obtain permits. Any issued related to erosion and sedimentation control could be forwarded to the conservation district. The resident also asked who was responsible for gas stations power washing fueling islands where hydrocarbons are being discharged into the storm water. Mr.

Stanton responded this could be reported to either the code enforcement office or DEP state hot line.

Another resident noted a slide in Mr. Stanton's presentation that listed construction site stormwater runoff and questioned whether the stormwater runoff from Hamilton Park construction and installation of artificial turf would be monitored. Mr. Stanton confirmed that the plans for lower and upper Hamilton took into consideration best management practices for stormwater.

Mr. Heckmann noted that many residents are speaking without identifying themselves, and normal procedure is for residents to identify themselves for inclusion in the minutes.

**Mayor's Report** – Mayor Baumgarten commented that the original contract for maintenance of the sanitary sewer system was written in 1927. ALCOSAN did not even exist in 1927, and Castle Shannon was a small town surrounded by mostly country. From 1927 until the last couple of years when ALCOSAN adopted the system, the borough maintained the line along Saw Mill Run Boulevard, along with Brentwood.

**Other Business:** Mr. Heckmann continued a discussion on the Façade Program from the August 28<sup>th</sup> meeting. The Castle Shannon Revitalization Corporation stewarded a façade program in previous years and received a \$50,000 allocation and funded about \$27,000 for facades. There is still work to be done downtown; therefore, the borough plans to undertake and fund a future façade program downtown. Mr. Heckmann referred to his previous slide show on the program which displayed slides of various business improvements and positive comments from business owners. The previous façade program had many restrictions as it was funded through DCED. A borough hosted program provides the opportunity to expand access to the program and make it even more effective. The request for council is a \$75,000 allocation in the 2024 budget that would last for three years. Funding would be pursued from the American Rescue Plan Act fund which are federal dollars; or the borough could apply through DCED, but that would require accepting their restrictions.

Mr. Heckmann continued stating that per the minutes of the last meeting, Councilman Swisher took issue with some accountability related language. The new program would require borough council approval on all allocations and forbids elected officials from receiving those monies. That ultimately brought us to where we had some concerns. There are rules governing how this board conducts itself, and there are rules governing how the CSRC conducts itself. There are fiduciary obligations whereas if you are in a decision-making capacity for these organizations, you cannot be the financial beneficiary of the organization. This is not exactly political calculus. This is what you should expect from your elected officials. Elected officials should not gain financially from their role at this table.

Mr. Heckmann stated that the issue is that 24% of all expended façade funds were received by Councilwoman Kovach and her son-in-law, Ceasar Velasco. No records of these approvals can be found in CSRC meeting minutes, other than they were approved at the committee level and not at the CSRC governance level. This borough council was never informed of that financial benefit until after it had occurred. Both borough council regulations and CSRC bylaws forbid any financial benefits for sitting board members. The improvements to Councilwoman Kovach's building were not permitted by the DCED program because they related to different faces of her



property and not just the front face. The façade program is for the street facing side of a building and not for installing new windows throughout the entire property.

Since Ms. Kovach was absent from the August 28<sup>th</sup> meeting and could not respond, Mr. Heckmann said that the councilwoman has had two weeks to evaluate the information, and he believes she may have a statement to make in explanation. Ms. Kovach stated that she has retained counsel who advised her not to comment at this time because there may be civil action against the perpetrators of these allegations.

Mr. Heckmann displayed scans of the CSRC checks payable to Ms. Kovach along with Councilwoman Kovach's 2014 application for the façade grant. Mr. Heckmann stated that the documentation in support receipt of funds is rather robust, and there is no claim of any legal wrongdoing in either the previous minutes or this evening; however, there is a claim of ethical wrongdoing. This is a claim that an elected official should not benefit from his or her office in a financial way. Mr. Heckmann continued stating that the information is available in the minutes, and the councilwoman had the opportunity to respond and has chosen not to do so.

### **Public Comment:**

A resident questioned if the bank account displayed was an active bank account. Mr. Heckmann answered yes. The resident strongly suggested that the account numbers be redacted.

Adam Williams – welcomed Borough Manager Mr. Foote to the borough and stated he was sorry that Mr. Foote came on board and was the recipient of this hornet's nest. Mr. Williams stated that there are a lot of rumblings about this issue and had hoped to have the code of ethics and code of conduct reviewed so the situation could be handled internally. Since legal counsels are involved, Mr. Williams hopes that if this turns into a far-ranging investigation that all council members have their ducks in a row, because if ugliness comes out you may end up with some concerned citizen who's a loose cannon running for office.

Jacquelyn Graham, Municipal Relation for ALCOSAN – discussed the Clean Water Assistance Fund available to homeowners and presented information to Mr. Foote for this program. Ms. Graham encouraged residents to visit the ALCOSAN website and asked for a link on the borough's website to ALCOSAN.

Jerry Coombs, Belleville Street – asked if any council member had visited Prospect Park to check out the poorly done concrete job. Ms. Kovach replied that she looked at the equipment. Mr. Coombs reiterated his concern about the center piece of the playground equipment that is too high for access in case of an emergency.

Nancy Dempsey, Willow Avenue – stated that she was told she could not use the Municipal Center Ballfield; however, she noted this evening that a gentleman and his son (not CSYA) were using it. Ms. Dempsey tried using O'Brien Field, but it was loaded with bees. Ms. Dempsey respectfully requested that she be able to bring her grandchildren to the ballfield to play softball. Mr. Heckmann stated that the field is protected so that CSYA players and leagues have a high-quality experience when they visit the field; however, he agreed that residents should have access also. Ms. Dempsey noted that the lock is broken, and she feels it is wrong to lock it. Ms.

Dempsey also noted that the borough has surveillance cameras and can see if anything goes wrong on the field.

Ms. Dempsey questioned who was responsible for an unstable railing on Willow Avenue by McMinn's Pub. The railing is deteriorating and not attached. Mr. Heckmann viewed the area in question on the display screen. Mr. Vietmeier said he is working to get the owners to repair the railing. Mr. Heckmann stated that at least as an interim solution the borough could install caution tape.

Mr. Swisher stated that he believes the council president should be censured for his acts in the last couple of weeks, specifically for his blatant political attack on another council person. Mr. Swisher stated that the council president acted alone on this attack; and if he did not act alone, it could be a Sunshine Law infraction. Mr. Swisher stated that Ms. Mosher was involved in putting the paperwork together, and Mr. Heckmann added language. Mr. Swisher continued stating that this council president does not understand that there are seven council members, not one. Mr. Swisher affirmed that Mr. Heckmann took it upon himself to do this on his own and acted alone to get this language published, and Mr. Heckmann has no legal authority to do such as he is one of seven. Mr. Swisher read what censure means and stated it is a reprimand aimed at reformation of the person for prevention of further offending acts.

Mr. Swisher stated that at this time the council president would backup from the council table, and the vice president would take a vote. This does not remove the council president from his position on council. This action is to have the censure on the record and remind the council president that his actions were wrong. Mr. Swisher stated that Mr. Heckmann had no legal recourse for what he has done, which was to enter items into the council meeting and minutes that were not on the agenda. Mr. Heckmann noted that Mr. Swisher's actions to censure were not on the agenda. Mr. Swisher said this action falls under public comment. Mr. Swisher noted for the people who are voting with Mr. Heckmann to keep in mind the Sunshine Law. Mr. Heckmann questioned if what was alleged is found to be true, how about that scenario. Mr. Swisher said that is not the same and will be handled by the earlier vote.

Mr. Swisher motioned to censure the council president. Mr. Oates seconded. A roll call vote was held to censure the council president: Mr. Astor – no; Ms. Kovach – yes; Mr. Oates – yes; Ms. Randazzo – no; Mr. Swisher – yes. Motion passed three to two. Mr. Swisher said the rules state that the acting vice president is admonishing you of activity and stating not to do it again.

Mr. Heckmann closed the public comment section.

Ms. Kovach stated that she has some other business to discuss and noted that the borough had an interim manager who resigned. Ms. Kovach added that the information received from Mr. Heckmann was that Mr. Trant resigned, and then the interim manager's e-mail was discontinued which rendered him unable to do the job. Ms. Kovach stated that this should have been a council vote. Ms. Kovach read the following email from Mr. Trant:

“Thank you for reaching out. As I put in my email to Council, the fact that my access to the Borough email account was shut off without my knowledge or ability to understand what was going on is completely unacceptable, and unprofessional. There is no way for me to conduct business during the transition period to the new manager or any business at

all without access to the email; therefore, I had no choice but to terminate the contract this morning.

As I've expressed to Council, there are a lot of projects underway and the complexity of the projects, their financing, and the operational impacts are not clearly vetted, in my opinion. The context is important. A \$10,000,000 bond issue for a small borough is a huge deal; plus the other various projects and funding sources. The tone of everything feels like the Borough is putting a new roof on the Borough building, not spending \$10+ million dollars. And again, in my opinion based on my short experience at the Borough, it does not appear that Council has had the ability to fully access all of the information from the beginning. To me, the issues that are arising are alarming not simple because of the gravity of the issues themselves, but because in the context of such a huge undertaking, Council does not seem to have full visibility. I truly hope that everything works out.

As far as staying on past the new manager's start date, because of the explanation above, there would be no value in doing so because there really is no way to have a full understanding and management perspective to share with the new manager regarding all the various pieces of the puzzle. My management concerns were met with anger, dismissiveness, and condescension. Good management can tackle major issues that arise, but not without full visibility of everyone involved, including Council; especially when dealing with projects of this magnitude relative to the size of the Borough's operations and budget.

Thanks for the opportunity to work with your community for a bit. It really is a special place and I was happy to get to know it a little better."

Ms. Kovach stated that Mr. Heckmann inferred that Mr. Trant resigned, and then the email was shut off.

A resident commented that she has retired from working in the corporate world for thirty years as a secretary and took minutes of meetings. She was under the impression that everything discussed had to be recorded. She had an obligation to record every word. No conversations were made offside and kept away from people to know everything that was said. She said she has just witnessed that happening tonight - that this committee is allowed to make offside comments that will not be recorded in the minutes. She does not believe this is legal, and some of council has approved it. That is her comment.

Mr. Heckmann stated that Mr. Trant indicated to council in an email that he was sunsetting his own contract. Mr. Heckmann affirmed that he was not removed. Mr. Heckmann stated that Mr. Trant had begun to transition his responsibilities to him, our assistant manager and Mr. Biondo. This was against his original contract which was to transition on a timeline such that the new manager would have oversight and a transition period with him, possibly for one month. After Mr. Foote was notified regarding his hire, council received an email from Mr. Trant notifying them that he was sunsetting his contract sooner than was appropriate. Mr. Trant started transitioning his emails over to borough staff and Mr. Heckmann, as council president. At that point, Mr. Trant had changed the terms of the contract to sunset sooner and started turning over his responsibilities over to us and staff and he expressed, as in his email, that we need to be

tracking items closer. Prior to Mr. Trant's email to Ms. Kovach, Mr. Heckmann sent the following email to Mr. Trant:

“Seeing as you have concluded your recruitment tasks and have turned pending project items and correspondences over to myself or the appropriate staff member, it is a good time to begin transitioning responsibilities back to Borough personnel. We have set the Manager@ email address to forward to full-time staff to keep us better-informed of pending projects.

As you suggest in your recent emails, the pending capital projects require close handling, and the very part-time, limited nature of our agreement with Strategic Solutions is not sufficient to handle the urgency of those matters. Council, as early as this morning, is signaling they want more frequent oversight of these conversations about finance, parks, and other matters, which regrettably (and understandably) is outside of the scope of our agreement. Council looks forward to our current full-time staff taking over outstanding project details in the lead up to the new manager's start.

Borough personnel will handle all outbound written and phone correspondences to Council, stakeholders and vendors from here. Please do not bill the Borough for any time other than time spent with Borough staff onsite on transition matters from today forward. You can of course still work with staff on site next week on transition items as you proposed in your transition email to Council should you find it necessary. Please return any relevant Borough property to Lori on or before your final day.

Should you receive any phone calls or voicemails that need to be relayed, please do so through the completion date you provided via email to Council of August 25, or sooner should you decide. We will pay your final invoice as quickly as possible as a courtesy. If you require further guidance on transition items, writing to me and copying Dennis would be the best way to do so.

We thank you and Chelsea for all of your assistance to date!”

Mr. Heckmann asked, does this email sound like what was just described; and he answered, not at all.

A resident commented that council should be glad that more people do not show up for these meetings because this is embarrassing. He stated that he is also an ex-corporate guy. In his experience, once you leave an employer you do not have access to company computers, emails, etc. Ms. Kovach stated that the corporate world works totally different from the public world, and seven people have to make the decisions – not one. The resident answered that no one in the corporate world makes unilateral decisions either. Ms. Kovach stated that by borough code, the council president's job is to run the meeting. One resident commented that they do not believe that all of council was aware of Mr. Heckmann's e-mail to Mr. Trant since only three names appear on the email, and there seems to be a discrepancy in the events. Mr. Heckmann stated that council convened an executive meeting that same evening to discuss this. The resident argued that it looks like Mr. Heckmann made an arbitrary decision. Mr. Swisher said that Mr. Trant sent an email stating that he had his email access taken away, and then Mr. Trant resigned.

Mr. Heckmann asked for a motion to adjourn. Mr. Astor motioned to adjourn. Ms. Randazzo seconded; all in favor; motion carried.

Approved as presented this 25th day of September 2023.

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C. Michael Foote  
Borough Manager

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Jason Maloney  
Council Vice President