

**CASTLE SHANNON BOROUGH  
MINUTES OF REGULAR MEETING**

October 09, 2023

Borough Manager C. Michael Foote noted that since there is no council president or vice president in attendance this evening, Council Member Ms. Kovach will preside over the meeting.

The following elected officials were present: R. Astor; N. Kovach; B. Oates; M. Randazzo; D. Swisher; D. Baumgarten; E. O'Malley. Council Vice President 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.

**Public Notice:** Ms. Kovach stated that council met in executive session prior to the meeting for the purpose of collecting information for educating council members about an issue.

**Public Comment – Agenda Items:** Jerry Coombs, Belleville Street – questioned in light of recent council changes, what is the format for meetings. Mr. Biondo advised that since neither a council president or vice president is in attendance, council can have another council member preside over the meeting.

Bryan Gigliotti, Poplar Avenue – said that council would be considering the resignation of Mark Heckmann as listed on the agenda. Mr. Gigliotti wanted to publicly thank Mr. Heckmann for all the work he has done in the community and for his assistance with the Castle Shannon Youth Association. Mr. Gigliotti once again expressed his thanks for Mr. Heckmann's service to the community and wished him good luck.

Mr. Swisher made a motion to amend the meeting agenda to provide for the reorganization of council to elect a president and vice president. Mr. Oates seconded; all in favor; motion carried. Mr. Biondo asked if there were any comments from the public since this is a new agenda item. No comments were received.

Mr. Swisher nominated Nancy Kovach for council president. Mr. Astor nominated Dan Swisher for council president. Mr. Swisher declined the nomination. Ms. Randazzo nominated Robert Astor for president.

Mr. Astor commented that one of the things that struck him the most of the information presented to council over the last several weeks was that no one in attendance seemed shocked or bothered by the facts presented. They were all shocked by the manner, but not by the substance. There were no comments on how this happened. There were no comments about oversights - no comments about what was being done to ensure that something like this never happens again. There was no denial – just kill the messenger. Mr. Swisher noted that Ms. Kovach talked to an attorney, and her attorney advised her not to comment.

Mr. Astor said that council has a fiduciary responsibility to the public to not enrich ourselves, to look after the public's money, and look after the community. People on boards of 501(c)3 non-profit organizations have that same fiduciary responsibility. This council has empowered a third-party attorney to look into those allegations. Mr. Astor stated that he is "dumb-founded" by the thought that while this investigation is going on to clear her name that council would make a move

to make Ms. Kovach president of this council. Ms. Kovach commented that Mr. Astor did not have all the information, and key information was not previously presented.

Mayor Baumgarten commented that this entire situation has gone on much too long. Board members have wasted so much time when we know what the answer is going to be. Council should just proceed with this vote, get it over with, and let's move on. Mayor Baumgarten read a prayer asking for wisdom and clarity and strength as a group.

Ms. Randazzo made a public comment that she does not agree with what transpired in the past at a public meeting. Ms. Randazzo is trying to do what she believes is best for the community. Ms. Randazzo has given decades of service and loves this community. Ms. Randazzo continued stating that just because she respected and admired Mark Heckmann for what he has done in moving the community forward, that does not mean that we are all not guilty of committing mistakes, and she believes it was a mistake to accuse an official at a public meeting. She does not respect that or condone that. With that said, Ms. Randazzo added that Mr. Heckmann had a lot of good traits and did a lot in moving this community forward. Ms. Randazzo added that in not voting for Ms. Kovach as president, it is not a personal slight against Ms. Kovach, but more in going forward with new blood in the community. Ms. Randazzo thanked Ms. Kovach for everything she has done for the community.

A roll call vote was taken to appoint Nancy Kovach as council president: R. Astor - no; N. Kovach - yes; W. Oates – yes; M. Randazzo – no; D. Swisher – yes. Motion passed three to two.

Ms. Kovach nominated Ms. Randazzo for vice president. Ms. Randazzo declined the nomination. Ms. Kovach nominated Mr. Swisher for vice president. No other nominations were presented; therefore, a roll call vote was taken: R. Astor – yes; N. Kovach – yes; W. Oates – yes; M. Randazzo – no; D. Swisher – yes. Motion passed four to one.

**Minutes:** The minutes of the September 25, 2023 council meeting were presented. Mr. Swisher motioned to approve the minutes. Mr. Oates seconded; all in favor; motion carried.

**Administration:** Mr. Biondo noted that at the last council meeting, council received (but did not act on) the resignation of Mark Heckmann as a council member. If council so chooses, they can accept the resignation. Council has 45 days from receipt of the resignation to accept it. Once accepted, council has 30 days to appoint a replacement to fill that term. Mr. Swisher motioned to accept the resignation of Mark Heckmann effective October 9, 2023. Ms. Kovach seconded; all in favor; motion carried.

Mr. Foote received a letter from council member Jason Maloney notifying the borough that he is resigning from council effective October 6, 2023. Council confirmed receipt of the resignation and will act on it at the next meeting.

Mr. Swisher presented Resolution No. 732 appointing David Seiler, a registered elector of the borough to be a member of council effective immediately due to the vacancy created by the resignation of Mr. Heckmann and to hold such office until the first Monday in January after the next municipal election which shall occur in November 2025. Ms. Kovach motioned to adopt Resolution No. 732 and asked for a roll call vote: R. Astor – no; N. Kovach – yes; W. Oates – yes; M. Randazzo – yes; D. Swisher – yes. Motion carried four to one.

Mayor Baumgarten gave the oath of office to David Seiler. Mr. Biondo noted that qualifications for a council member include being a registered elector of the borough, and the candidate must have lived in the borough for at least one year. Mr. Seiler confirmed that he is a registered voter and has lived in the borough several years. Mr. Swisher welcomed Mr. Seiler as a member of borough council.

**Bid Opening & Contracts:** Mr. Stanton is currently working with the borough solicitor and bonding company to move project 23-PK4 Infrastructure and Retaining Walls Lower Hamilton Park forward. A notice of termination was issued to September 29<sup>th</sup> to Dragun Contracting. Several actions are required on behalf of council to continue the process. Ms. Kovach noted that the contractor is behind in their work. Mr. Stanton said the notice to proceed was issued in early May with a completion date of August 21, 2023.

Mr. Astor motioned to engage the firm of Tucker Arensberg as special counsel to represent the borough with regard to the matters arising from the various construction contracts awarded by the borough for Hamilton Park, including but not limited to the contracts with Dragun Contracting and Landscaping and Keystone Sports, and authorizing the appropriate officers to execute the engagement agreement with Tucker Arensberg for that purpose. Mr. Foote explained that this process is to position the borough for any litigation concerns that may arise. Mr. Oates seconded; all in favor; motion carried.

Mr. Swisher motioned to authorize the appropriate borough officers to execute any agreements necessary to complete the work necessary for the renovation of Hamilton Park, including but not limited to an agreement with FCCI bonding company and any contractor provided by FCCI for that purpose. Mr. Seiler seconded; all in favor; motion carried.

**Real Estate Tax Collector:** Ms. O'Malley reported September collections of \$16,233.01 and year-to-date collections of \$3,785,806.82. October 31<sup>st</sup> is the deadline for Keystone Oaks School District real estate taxes before a penalty is added.

### **Council Committee Reports**

**Public Relations/Communications:** Mr. Astor stated that he will not serve on council any longer with Ms. Kovach as president and verbally resigned his position. Mr. Astor added that he will present his resignation in writing to Mr. Foote tomorrow. Mr. Astor then left the meeting.

**Building & Grounds/Public Works:** Mr. Foote reported that he visited multiple sites in the borough with Mr. Ausman, Public Works Foreman, to view projects.

**Public Safety/Fire:** CSVFD President Bob Sutton announced that this week is Fill Up For Firefighters at the Shell gas station at the Sweet Pea Convenience Store on Route 88. The fire department will receive 10 cents for each gallon of fuel pumped from October 9<sup>th</sup> to October 15<sup>th</sup>.

Mr. Foote met with several members of the fire department and had a very productive, positive meeting.

Mr. Swisher motioned to approve a value of surplus router devices of not less than \$250.00 each and authorize the appropriate borough official to advertise on Municibid and sell to an applicable party. Mr. Oates seconded; all in favor; motion carried.

**Finance:** Mr. Swisher reviewed the September 29<sup>th</sup> check register and questioned an expenditure for Michael Moog. Mr. Vietmeier confirmed that Mr. Moog is the borough's part time code enforcement officer.

Mr. Swisher questioned expenditures for Vortex and Romtec. Mr. Stanton explained that Romtec is the Costars vendor for the multiuse building at lower Hamilton Park. Ten percent is being retained on that contract until all items have been provided. The Vortex payment is the second partial payment for the splash pad at upper Hamilton Park for the Costars contract approved by council.

Mr. Swisher asked about an expenditure under the communication line. Ms. Miller answered that cost was postage for the fall newsletter mailing.

**Communities Activities/Planning & Codes:** Mr. Vietmeier announced that the planning commission will be meeting on October 16<sup>th</sup> for 999 Killarney Avenue – the former animal hospital. The owner would like to redesign the bottom level to install apartments. In addition, a medical office for UPMC would like to relocate to the former Key Bank at 305 Mt. Lebanon Blvd.

**Library** – Ms. Randazzo announced that Board of Trustees had a lengthy meeting last week.

Friends of the Library Fall Used Book Sale collected almost \$2,000.00.

The Friends of the Library Fall Flea Market will be October 14<sup>th</sup> from 9am-2pm.

At State Representative Dan Miller's Senior Fair approximate 90 adults attended and information about the library was distributed.

Library staff members attended the Myrtle Avenue PFO meeting.

The Vendor and Craft Fair is November 18<sup>th</sup> from 10am-3pm. All spots are filled.

The Pittsburgh City Paper Best of Readers Poll chose the Community Library of Castle Shannon's Tiny Free Library as #1 in the area. The library will receive a plaque to display. Ms. Kovach would like to have the mayor recognize the library for this achievement.

Mr. Ausman had advised Ms. Randazzo that the library roof is leaking. R&G will install a patch, but the shingled roof needs replaced.

**MRTSA** – Mr. Swisher motioned to table the agenda item to appoint a new representative to the MRTSA Board of Directors. Mr. Oates seconded; all in favor; motion carried.

**SHACOG** – Mr. Oates announced that the October meeting will be the annual dinner meeting at The Club at Nevillewood.

**Mayor's Report:** Mayor Baumgarten stated that he regrets that Mr. Astor resigned and hopes it was not based on his comments.

**Other Business:** Nothing to report.

**Public Comment:**

Paul Salvayon, President of Castle Shannon Revitalization Corporation – read the following letter into the minutes.

“Castle Shannon Revitalization would like to place a monument for those who served in World War II. This monument will replace the currently stored and heavily weathered wooden monument. The proposed memorial will be a free-standing granite monument with a size of 4’ wide by 6’ tall. A foundation will be required that is 4’ in length and 18” wide by a minimum of 3’ deep. The proposed location is the grassy area between the new brick sidewalk and the back of curb at Willow & James Street. This location is preferred because it will be visible to the general public from both Willow Avenue and the sidewalk. The sidewalk in this location is ADA accessible. This will be a great addition to the main business district and a great way to honor those who served in World War II. There will be at least 648 names of Castle Shannon residents, both male and female, that will be inscribed on this monument, including those who paid the ultimate sacrifice for serving our country in World War II. Castle Shannon Revitalization Corporation has maintained a fund to create this memorial and will pay all costs associated with fabrication and installation of the memorial. Castle Shannon Revitalization would like to be able to dedicate the structure by Memorial Day 2024.”

Mr. Salvayon would like to get site approval from the borough in the next month. Kevin Brannon stated that he and Lt. David Lane solicited donations and started the fund for this project several years ago. Both are excited to see the project proceeding, and Mr. Brannon looks forward to working with Mr. Salvayon on the monument. This will be a live monument where names can be added. Mr. Biondo advised that ownership of the property location should be determined, and he questioned ownership of the monument after installation. Mr. Salvayon stated the area is in the borough’s right-of-way, and monument would be dedicated to the borough. Mr. Biondo advised that if the borough does not own it, council may want to have an agreement with the CSRC allowing them to place it on the property. Mr. Oates had line of sight concerns for drivers. Chief Truver and borough engineers may review the site location.

Bryan Gigliotti, Poplar Avenue – reported that the CSYA Golf Outing held October 7<sup>th</sup> had 100 golfers have registered. It was a great outing with positive feedback and good food. The winning score was -13. The 2024 event will be October 5th.

Speaking as a resident, Mr. Gigliotti said that this is obviously a weird night. Mr. Gigliotti stated that this is nothing against Ms. Kovach, however, he does not know if this was the best look for the borough...to appoint someone as president that is dealing with certain allegations.

Mr. Gigliotti said he has heard people talking about the election, and there being a conflict of interest since David Seiler’s wife works for the police department. Ms. Kovach stated if that any issues dealing with Ms. Lynn Seiler’s employment with the police department are considered by council, Mr. Seiler would have to recuse himself from voting. Mr. Seiler stated that his wife has

worked for the police department for over a dozen years and is preparing for retirement; therefore, his desire to work for the community has nothing to do with his wife's employment.

Mr. Gigliotti concluded stating that he hopes that council continues to see the CSYA as they are – a very hard-working group that wants to continue to work with council to make the kids' experience the best possible. Mr. Beck has a meeting with Mr. Foote to discuss field scheduling in the near future. Ms. Kovach would like to see an all-inclusive expanded youth program for those children that are not athletic.

Mayor Baumgarten said that on his very first day on borough council almost 50 years ago, he was a board member for CSYA. This borough has always been in support of this program in many ways – both by donations and field maintenance. Mr. Gigliotti said that CSYA appreciates the support of council.

Mr. Gigliotti reported that a neighbor found a dead raccoon in his bushes and questioned if there was an ordinance regarding putting poison out. Mr. Vietmeier will look into the regulations.

Jerry Coombs, Belleville Street – distributed photos from the website of former council president Mark Heckmann that still shows Mr. Heckmann as Council President. Mr. Coombs said that should be removed as he is no longer council president. Mr. Coombs said that Mr. Heckmann stated at a borough council meeting that he was not affiliated with Koala Insulation; however, his website displayed a picture with Mr. Heckmann as an insulation franchise partner for Koala. Mr. Coombs stated that it is a shame that Mr. Heckmann resigned before this investigation went further.

Ms. Kovach closed the public comment section.

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

Approved as presented this 9th day of October 2023.

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C. Michael Foote  
Borough Manager

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Nancy Kovach  
Council President