

**CASTLE SHANNON BOROUGH  
MINUTES OF REGULAR MEETING**

June 10, 2024

The following elected officials were present: N. Kovach, D. Swisher; K. Brannon; J. Emph; W. Oates; D. Seiler; L. Shartle; D Baumgarten; E. O'Malley. The following appointed officials were present: M. Foote, Borough Manager; D. Biondo, Borough Solicitor; K. Truver, Police Chief; P. Vietmeier, Code Official; J. Stanton, Borough Engineer. Jamie Belfiore, Court Reporter, attended to record the conditional use application portion for Wenbin Huang.

**Public Notice:** Ms. Kovach announced that council met in executive session this evening at 6:00 pm for the purpose of collecting information or educating agency members about an issue.

Ms. Kovach stated that council will act on the conditional use application for Wenbin Huang for a proposed business use at 1106 Castle Shannon Boulevard. Mr. Biondo explained that this is a continuation of a conditional use hearing for the Asian Massage. At the last hearing, all testimony and evidence had been presented. Ms. Kovach opened the public hearing. Ms. Belfiore swore in the speakers.

Alex Farah, owner of 1106 Castle Shannon Boulevard – stated that this has been a long process and hopes for a favorable decision. Mr. Farah stated that on behalf of Mr. Wenbin, his wife and himself, they believe they have completed requirements. This has been a long financial burden on them due to tenant retention, renovation costs, construction, and an escalated water bill.

Robert Broman, Blossom Hill Road – is a member of the planning commission and stated that the conditional use application was evaluated. As his personal opinion, if the applicant is able to take care of the conditions in Ordinance 719, he would not put forth anything against an honest business effort. His only concern is there is an immensely difficult element in communication with Mr. Wenbin. This is not said as a social, racial prejudice or anything of that nature. For example, Mr. Broman explained that he would have the same difficulties in establishing a business in a country in which he does live, speak the language, or understand the rules for a business. Mr. Broman stands by the original planning commission decision for approval as long as the planning commission's conditions are met.

Ms. Kovach stated that this 10<sup>th</sup> day of June 2024, upon consideration of the evidence and testimony presented at public hearings on March 11, 2024, April 22, 2024 and May 13, 2024 to consider the application of Wenbin Huang, and the recommendation received from the borough's planning commission, it is determined that the application for conditional use (massage establishment) concerning the subject property at 1106 Castle Shannon Boulevard is granted with the attached conditions. Mr. Biondo read the list of conditions which are attached to these minutes.

Ms. Shartle motioned to grant the conditional use with the compliance of all staff recommendations/conditions. Mr. Swisher questioned if employees' state licenses would have photo identification. Mr. Biondo responded that photo identification is required to be available. Mr. Swisher noted the delinquent sewage amounts for the property. Mr. Farah responded that the

sewage balance will be paid in two weeks. Mr. Swisher stated that all unpaid, delinquent sewer charges will be paid before municipal permits will be released.

Mr. Emph seconded the motion. All in favor; motion carried. Ms. Kovach closed the public hearing.

**Public Comment – Agenda Items:** Ms. Kovach opened the public comment for agenda items.

Bryan Gigliotti, Poplar Avenue – questioned if the agenda item for Hamilton Park included an update on the construction project. Mr. Kovach answered the Lower Hamilton Improvements section will address one item. Ms. Shartle added that council can request the engineers prepare an update for a future meeting.

Robert Broman, Blossom Hill Road – recommended that council prepare plans for 10-15 years ahead for maintenance, disposal and replacement of the artificial turf being installed at Hamilton Park. Mr. Broman noted that artificial turf does not have a long life-span and are known to have outputs of polyaromatic hydrocarbons which are not commonly accepted by many landfills. In addition, the soil under the turf will not be very fertile for replanting grass. Mr. Broman has 8-10 years of experience and training in hazardous compounds.

Carolyn Marsili, Rebecca Street – was concerned about parking and safety issues at Hamilton Park, especially during events like Community Day. She is excited for the newly renovated improvements, but parking is an issue in that neighborhood that will intensify.

Paul Salvayon, Glen Shannon Drive – noted the agenda item for Resolution #754 ALCOSAN Grow project and questioned what the project entails (sanitary sewer lining or storm water improvements) and if flow monitoring was completed before and after recent repaving of Glen Shannon Drive from water company work. Mr. Salvayon suggested installing a water tight manhole on his property to reduce stormwater infiltration. Ms. Kovach answered that the borough engineer will address questions on the project when the resolution is presented.

Bryan Gigliotti – noticed the agenda contained a motion to establish a trial period where the borough will pay the cost to replace stolen trash carts and believes this plan should have been established earlier in the program. Mr. Emph stated that Waste Management has broken several citizens carts, and those will be replaced by the company at no cost to the borough. The trucks have cameras that can record proof of damages. Due to customer service issues, Mr. Foote recommended that residents call the borough offices to report any service issues with Waste Management.

The public comment section was closed.

**Minutes:** The minutes of the May 13, 2024 council meeting were presented. Mr. Swisher motioned to approve the minutes. Mr. Brannon seconded; all in favor; motion carried.

**Administration:** Mr. Foote asked council to set a policy for stolen trash carts. Mr. Emph motioned to establish a trial period through the end of 2024 where the borough will pay the \$75.00 fee to replace a stolen cart. The stolen cart must be reported to the Castle Shannon Police Department. Mr. Oates seconded; all in favor; motion carried.

Ms. Kovach discussed the sidewalk collapse by the Ice Castle. Mr. Foote provided a synopsis of activities to date on the situation. Staff was alerted to the issue in late April/early May, and public works and the police department closed the sidewalk. A notice of violation was sent to Ice Castle on May 6<sup>th</sup> providing them with 30 days in which to repair the sidewalk. Mr. Foote contacted KU Resources and held a virtual conference with Pittsburgh Regional Transit (formerly PAT) to discuss their project. The decision was made to postpone bidding for the borough's streetscape project until 2025. The borough solicitor contacted the Ice Castle's attorney when the deadline for repairs was approaching and related borough's concern for public safety, however no work was done. Mr. Foote had virtual meetings with PRT and discussions with PennDOT regarding impacts of the sidewalk closure, impacts on the PRT project, and pedestrian safety, along with an in-person meeting with PRT to assess the area. PRT closures of Willow Station will put approximately 150-500 additional pedestrians on the sidewalk. Telephone and email conversations were held with PennDOT regarding installation of a crosswalk, to which PennDOT offered to expedite a temporary crosswalk permit request. Prior to the June 6<sup>th</sup> deadline for Ice Castle, Mr. Foote met with borough engineers to discuss the situation and options. After a Teams call with borough engineers on June 7<sup>th</sup>, bids for emergency work were sent out to 8 vendors for the sidewalk repair and to install a temporary crosswalk. Bids are due Wednesday, June 12<sup>th</sup>. On June 10<sup>th</sup>, the borough solicitor informed Ice Castle's attorney of the borough's plans for repairs. This evening, staff requests that council acknowledge that the damage to the sidewalk and its subsequent closure poses a threat to public safety and therefore an emergency, and in doing so waives the formal bid process requiring advertising.

Ms. Kovach explained that the sidewalk does not belong to the borough. Although Castle Shannon Boulevard is a state road, the property adjacent to the road belongs to the property owner. The property owner contends that their property line indicates the sidewalk is not theirs. Mr. Swisher questioned the approximate cost for the project. Mr. Stanton stated that due to the emergency nature of the project and short time frame (as Willow Station closure begins June 16<sup>th</sup>) a ballpark estimate of around \$25,000 was proposed. The project includes an interim sidewalk repair to maintain the closed sidewalk in addition to costs associated with a temporary crosswalk detour across Castle Shannon Boulevard. Mr. Swisher stressed that this is a public safety emergency situation. Mr. Biondo asked Mr. Stanton if he agreed that the condition of the sidewalk is a public safety issue and cannot be used in its current condition, to which Mr. Stanton agreed that it is a danger to the public and an emergency situation.

Mr. Emph motioned that pursuant to Chapter 12 subsection 1202.12 of the Borough Code, borough council deems the damaged sidewalk located adjacent to Ice Castle a threat to public safety and requests emergency pricing for its repair. Mr. Swisher seconded; all in favor; motion carried.

Mr. Swisher motioned to authorize the borough manager to accept the low bid and award a contract to said bidder for the Castle Shannon Boulevard Sidewalk-Emergency Construction with council's formal ratification of contract at the June 24<sup>th</sup> council meeting. Mr. Foote will present the bid results to council prior to awarding to determine if an emergency council meeting is warranted. Mr. Emph seconded; all in favor; motion carried.

Mr. Brannon listed concerns about identifying the source of water that undermined the sidewalk. Mr. Stanton stated that a permanent solution to the water problem would be a larger scope that would take longer to develop and would involve digging up the sidewalk and part of the hillside. Ms. O'Malley expressed concerns about the safety of pedestrians in a temporary crosswalk across a high traffic roadway such as Castle Shannon Boulevard.

Ms. Shartle motioned to direct the borough manager and borough engineer to continue with CoStars Global Contract specifically 23-PK3 (Turf) as-is and cease exploration of a change order to install anchored bases. Mr. Oates seconded; all in favor; motion carried.

**Bid Openings, Contracts, and Resolutions:** Ms. Kovach presented Resolution #754 authorizing the borough manager to submit a grant application to reduce inflow/infiltration in the sanitary sewer system owned by Castle Shannon Borough tributary to ALCOSAN point of connection SMR-CS-02 and fund Killarney Drive Phase II COA Source Flow Reduction Project. Mr. Brannon made the motion. Mr. Swisher seconded; all in favor; motion carried.

Mr. Stanton described the project in the Killarney neighborhood. The borough has completed pre-construction flow monitoring for the grant application. A letter of interest were submitted to ALCOSAN in January, and the borough was invited to submit a full application which is due the end of June. The scope of work is predominantly for trenchless lining of sanitary sewers and manhole improvements. Mr. Stanton added that a water tight manhole frame and cover could be added to the scope very cost effectively. The Phase II Consent Order with Allegheny County Health Department requires the borough to remove 10% of the flow rate representing infiltration. One-half of the borough's effort will be completed by relocating the sewers at Hamilton Park. The Killarney project represents the second half and that consent order will expire the end of 2028. In the past, the borough has been very successful in receiving grants from the GROW program.

### **Council Committee Reports**

**Community Engagement/Events** – Ms. Kovach offered her assistance with the committee if street events are being planned.

**Finance** – Mr. Swisher noted that Josh Callendar of Lennon, Smith, Souleret Engineering, answered his questions regarding the May 10<sup>th</sup> check register.

Mr. Swisher questioned the IWorq expenditure on the May 17<sup>th</sup> check register. Ms. Miller answered this expense is for the Codes Department software. Mr. Swisher also questioned an expenditure to Soli Construction for Walnut Street sewer repair, and Mr. Foote confirmed that was an emergency repair.

Several check registers listed expenses from Eurovia for cold patch. Mr. Foote explained that the public works department had been patching pot holes on borough roadways and completing other types of infrastructure that requires asphalt. Mr. Swisher would like to see more descriptive information on the check registers. Mr. Foote added that he will be participating in additional training on the finance package and can question how to have additional details on reports.

Mr. Swisher questioned an expense on the May 31<sup>st</sup> check register for Chris Saxe for \$1,440. Chief Truver noted the expense was for key fob entries for public safety access for the police department. The funds will be reimbursed from the accreditation grant.

Mr. Swisher noted a check to the CSVFD for Reinhart Rides and carnival band donation totaling \$7,500. Mr. Foote had also noted the expense and confirmed that this was the amount the borough had committed towards the Community Day/Carnival event. In the 2024 budget, the amount budgeted for Community Day was \$20,000.

Mr. Swisher asked about two mulch/landscaping amounts to Homecraft. Mr. Foote explained that these expenses were for two different types of mulch for the parks/playgrounds.

Mr. Swisher also asked about a payment to Garvin Boward Beitko Engineers. Mr. Stanton answered that this firm was under direct contract with the borough for geotechnical engineering associated with Hamilton Park. This invoice was for a review of shop drawings for conformance to contractor's design and inspection/approval of an undercut for the foundation for the multipurpose building.

Mr. Seiler questioned core drilling rentals on the June 7<sup>th</sup> bill list and questioned if the borough should consider purchasing the equipment. Mr. Foote answered the rentals were for installation of the fencing at the Smith Street Bridge, a one-time project. Public works is encouraged to advise administration if they need certain tools/equipment so the items can be budgeted.

Mr. Seiler also questioned an expense for basketball hoop repair. Mr. Foote believes it was damaged due to a Waste Management truck hitting the hoop.

Mr. Emph motioned to authorize the payment of all outstanding bills and invoices. Mr. Swisher seconded; all in favor; motion carried.

**HR/Personnel/Policy** – Ms. Kovach stated that council is reviewing the personnel handbook, and a motion on the health insurance policy is tabled for a future meeting.

**Public Safety** – Chief Truver announced that the St. Anne's Carnival began this evening on Willow Avenue. Carnival hours are from 6 pm to 10 pm Monday through Saturday.

Willow Avenue should be reopening on June 11<sup>th</sup> after crossing signals are installed. Contractors have been working in the area for PRT, Columbia Gas, and PA American Water at the same intersection. Mr. Foote thanked police officers for assisting him through the construction activities on Willow Avenue.

**Public Works** – Mr. Oates reported that the public works crew has been painting vascar lines and addressing a manhole collapse on Havelock.

### **Board Reports**

**PSAB** – Ms. Kovach, Mr. Seiler and Mr. Foote attended the Pennsylvania State Association of Borough's conference in Hershey, PA.

**Economic Development** – Mr. Seiler reported that the minutes were approved at the last CSRC meeting. The organization is working on updating their by-laws.

CSRC approved additional Soldier Banners which were installed by the Public Works Department. The Stars and Stripes Over Shannon Program is available where volunteers will place a flag in a resident's yard 6 times a year on specific holidays.

The CSRC is working on fundraising for The Castle Shannon Veterans Memorial Garden which will be placed in mid Hamilton Park.

Mr. Seiler reported that many restaurants participated in the Castle Shannon Spring Restaurant Week.

**Library** – Ms. Shartle announced that the Summer Reading Program has kicked off. Ms. Shartle urged residents to sign up for the weekly events.

**SHACOG** – Mr. Seiler attended a ZOOM meeting on May 16<sup>th</sup>. A presentation was made by a Brentwood Bank representative that discussed business and municipality fraud. Forty-six percent of business and municipalities had fraud in 2023, mainly from checks stolen from mailboxes and white washed (changing payee and amount of check). The best way to combat this type of fraud is to utilize positive pay to verify checks before being cashed. Also using a scanner or online banking can help to curtail fraud.

**Mayor's Report** – Mayor Baumgarten mentioned that this county is still dealing with drug problems, mainly fentanyl.

Mayor Baumgarten stated the borough for years has been requesting that Port Authority address the intersection at Willow Avenue/Baldwin Street. This project will be a vast improvement.

Mayor Baumgarten noted that a police officer recently mentioned how clean the borough is now that the trash cart system is in place.

**Manager's Report** – Mr. Foote related that he appreciated attending the PSAB Conference with Ms. Kovach and Mr. Seiler.

Mr. Seiler and Mr. Foote attended a legislative lunch with state representatives and senators. Special thanks to State Representative Dan Miller who has assisted in getting funds for borough projects.

**Real Estate Tax Collector Report** – Ms. O’Malley stated that for the month of May, \$82,745,49 was collected. Year to date, \$4,619,044.77 was collected. The next tax deadline is June 15 at face value.

**Public Comment – Non-Agenda Items** - Ms. Kovach opened the public comment section of the meeting.

Bryan Gigliotti – reported on the Summer Recreation Program. Many children have signed up, and the volunteer and paid staff are in place. The program starts June 24<sup>th</sup> at Riehl Park.

The CSYA Golf Outing is scheduled for October 5<sup>th</sup> at Butlers Golf Course. The organization is seeking hole sponsors at \$50 each, and golfers for the event.

Mr. Gigliotti questioned the possibility of getting larger trash carts for recycling. Mr. Gigliotti saw that Baldwin has larger recycling carts.

Mr. Gigliotti noted that the swing set at the Municipal Center only has two toddler swings. The larger swings are needed now for the older children. Mr. Gigliotti questioned whether the larger swings were in the design for the future park renovation. Mr. Foote answered that the borough has applied for LSA grants of \$250,000 each for the Municipal Park and Riehl Park. Due to budget constraints, the borough is unable to proceed with the original plans as outlined. Upon award of the grants, those projects will move forward. Mr. Gigliotti was frustrated with the lack of progress for the municipal field, and the fact that the bases will not be pegged on the turf field at Hamilton Park for baseball games. A heated discussion continued on council’s decision not to have pegs installed in the turf due to the cost and liability.

Jerry Coombs – discussed pedestrian safety on the collapsed sidewalk on Castle Shannon Boulevard. Pedestrians are currently ignoring the caution tape and removing signage in order to utilize the sidewalk. A physical barrier may be needed. Mr. Coombs thanked public works and the police department for their efforts to respond to the public safety issue. Mr. Coombs added that he believes the hillside should be stabilized before emergency repairs are made.

Mr. Coombs also addressed the subject of stolen garage carts and noted that each cart has a serial number. Perhaps Waste Management can flag the serial number in their system.

Tom Beck, Castle Road – asked at what point did the scope change for the Hamilton Park project as the original intention was for a simulated dirt section on the turf with paved bases. Mr. Stanton replied that as part of the six parks plan a discussion was held on different colors on turf. There is a substantial difference in cost using different colors of turf. A discussion was also had on pegs versus cleated bases for a field that hosts both soccer and baseball. Pegs in the turf causes larger injuries on a soccer field. For safety, the baseball lines are inlaid (white) in the turf. Raised cleated bases are still an option. In terms of safety for all consumers and considering budgetary costs, during the design program and planning study the cleated bases were selected by council in March/April 2023. Mr. Beck stated that the primary use for upgrades at the field were for baseball and suggested removing the soccer components and perhaps the dugouts also to allow for a plain turf field. A discussion continued on the borough’s bond structure to enable the park improvements.

Mayor Baumgarten discussed the grass/dirt fields at Green Tree Park that is utilized by Keystone Oaks and Point Park. In addition, Millenium Park has three to four grass/dirt fields with one turf infield installed as an experiment. Mr. Beck stated that the 13/14 year olds that played at Hamilton will no longer have a playing field. Mr. Beck added that CSYA will not schedule ball games at Hamilton Park because the painted base or unsecured rubber bases are a safety issue and not regulation with sanctioned baseball/softball activities.

Vanessa Beck, 124 Castle Road – is involved in many youth activities in the borough and stated that the parks are oriented for all residents of Castle Shannon, however the 13/14 year old CSYA ball teams have been displaced for two seasons and have had to use Millenium Park through CSYA negotiations. The teams had limited field time with no practice time. Ms. Beck asked what the borough’s plan is to find field time for both practice and game time for this age group. Ms. Beck asked if there was an opportunity to reduce costs in other areas such as removing dugouts and using that cost savings to install the base pegs. Mr. Stanton stressed that the pegs are a liability with a field that is housing soccer and baseball. Ms. Beck stated that KO United Soccer can play at many other fields, and the installation of a soccer field at Hamilton Park should not be established at the detriment of the baseball teams.

A lengthy discussion continued on Hamilton Park’s field plans versus CSYA’s field requirements. Borough council voted in March of 2023 for the installation of a multi-use turf field at Hamilton Park, and contracts have been signed to install the proposed turf field. Council will review and discuss options that were discussed this evening.

Mr. Seiler asked CSYA representatives to explain why the fields at the Municipal Center are locked and cannot be used by residents. Mr. Beck answered that although CSYA has keys, the locks belong to the borough. CSYA was directed to lock the fields due to residents riding bikes or playing on the field, even during wet weather. The Public Works Department used to drag the fields three days a week for CSYA. Ms. Shartle stated that in previous years, the CSYA board asked for locks for the fields due to residents damaging the field. Mr. Seiler stated that all fields in the borough should be available to all residents.

Andrea Brichacek, Mary Place – stated she likes the new trash carts, however bulk pickup days are a disaster. She had bulk items at the curb that Waste Management did not take. Waste Management advised her to keep the items out, and they would be collected; however, this was not the case. Ms. Brichacek then received a letter of violation from the Codes Department. Ms. Brichacek noted her difficulties with Waste Management’s customer service. Mr. Foote then encouraged all residents to contact borough offices with any service issues with Waste Management.

Ms. Brichacek suggested more transparency and communication when the borough has an issue like Hamilton Park renovations, such as access to see the plans. Mr. Foote commented that Mr. Stanton gave a public presentation and park update at the end of April of 2024. The borough is currently working on having hybrid meetings for residents to view meetings remotely. The meetings will be recorded and archived.



Annie Shaw, Glen Shannon Drive – Regarding the sidewalk issue on Castle Shannon Boulevard, Ms. Shaw asked that the borough hold the property owner responsible for the damaged sidewalk costs and protect our tax payer dollars.

Ms. Kovach asked Ms. Shaw, as a member of the Keystone Oaks School Board, if some maintenance could be done on the Myrtle Elementary School Field. Ms. Shaw will contact Mr. Stropkaj. Mr. Gigliotti stated that CSYA could not use that field except for possibly T-ball. Ms. Shartle also contacted Mr. Elphinstone about this subject.

Bryan Gigliotti – stated that Waste Management does not collect grass trimmings during bulk collection. Placing the trimmings in the cart takes up too much room. What options are available? Mr. Foote explained that bulk collection pricing is based on a service level determined through a set out percentage rate. Bulk day is not meant to be a day to pick up yard waste or excess trash. Plastic bags will not be collected on bulk days. Mr. Foote is currently investigating the possibility of a program to handle green (yard) waste that is currently done in Dormont Borough.

Mr. Gigliotti asked about the situation with the shade sails at the library. Ms. Shartle answered that council voted to leave them due to additional costs associated with removal.

Carolyn Marsili – asked if a fall leaf collection was planned. Mr. Foote responded that a leaf collection program is in place.

Ms. Marsili asked if the borough looks at contractors digging in the neighborhood. Mr. Brannon answered that by law any contractor must notify PA One Call before digging so that utility lines can be identified. If a private citizen is digging, it is their responsibility to report it.

Jason Suchy, Arch Avenue – stated there are no sidewalks in his neighborhood and listed concerns regarding speeding vehicles and vehicles ignoring stop signs. The speed limit is 15 mph, and Mr. Suchy has been threatened by speeding drivers. This poses a danger to him walking his dog and to his children, and he would ask for increased police patrols.

Mr. Emph motioned to adjourn. Ms. Shartle seconded; all in favor; motion carried.

Approved as presented this 24th day of June 2024.

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C. Michael Foote  
Borough Manager

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Nancy Kovach  
Council President