

**MINUTES  
REGULAR MEETING, SHALER TOWNSHIP  
BOARD OF COMMISSIONERS  
TUESDAY, MARCH 14, 2023**

The meeting was called to order at approximately 7:01 P.M. by Vice Chairman Bill Cross. Following a prayer by Commissioner Boyle and the Pledge of Allegiance, the Chairman asked the Secretary to call the roll as follows:

**PRESENT:** Fisher, Iozzo, Boyle, Cross, Shutter, Wagner, Mizgorski  
**ALSO PRESENT:** Christopher Lovato, Manager; Judith Kording, Assistant Manager; Harlan, Solicitor; Sean Frank, Chief of Police; Amanda Jennings, Finance Director; Mel Crawford, Administrative Assistant

Mr. Lovato stated that Commissioner Shutter was joining the meeting remotely.

The Chairman announced that an Executive Session was held on February 28, 2023 and this evening at 5:30 p.m. wherein the following topics were discussed: employment and personnel matters, contracts and policies, and an update on potential litigation and agency business which if conducted in public would violate a lawful privilege or lead to the disclosure of confidential information. Mr. Stone said the session was absolutely necessary and was in full compliance with the Pennsylvania Sunshine Act.

**Approval of Minutes**

The first item of business was the possible approval of the Regular Meeting Minutes of the Board of Commissioners held Tuesday, February 14, 2023.

**Mr. Boyle moved, seconded by Mr. Shutter, that the Minutes of the Regular Meeting of February 14, 2023 be approved as received by each Commissioner. The motion was carried.**

**Planning Commission**

The first item of business was the report from the Planning Commission.

**Mr. Piekarski** stated that the Planning Commission's last meeting was their reorganization meeting where they also gave preliminary and final approval for the subdivision at Locust Ridge Drive.

Upon inquiry from **Mr. Wagner**, **Mr. Piekarski** stated that the plan is to build townhomes or duplexes.

**Engineers Report – Mr. Matthew Sebastian**

The next item of business was the Engineers Report.

**Mr. Sebastian** stated that we have started on our PRP stream restoration work that is related to our MS4 permit and pollutant reduction plan. **Mr. Sebastian** stated that we have to do work in the Pine Creek/Little Pine Creek water shed and the Girty's Run water shed. **Mr. Sebastian** stated that we have met all of our permit requirements.

**Mr. Sebastian** stated that there was a sinkhole near E. Elfinwild Road and that a contractor was mobilized today. **Mr. Sebastian** stated this work would include pipe replacement and should be done by the end of this week or the beginning of next week. Upon inquiry from **Mr. Boyle**, **Mr. Sebastian** stated that the equipment to complete the work is already there.

**Mr. Sebastian** stated that paving bids were opened yesterday. **Mr. Sebastian** stated that we had 6 plan holders and received 4 bids. **Mr. Sebastian** stated the bids came in a little higher than expected, around 3.8% higher. **Mr. Sebastian** stated that, overall, he is happy with the low bidder and the bid amount. Upon inquiry from **Mr. Boyle**, **Mr. Sebastian** stated that Liberoni chose not to bid and did not get the bid package. **Mr. Sebastian** stated he does not think they have the manpower.

**Mr. Sebastian** stated that we are working through the COG for a joint bid with other municipalities for the court paving/resurfacing. **Mr. Sebastian** stated this should be advertised next week with the goal to open bids in April with construction to start shortly after.

### **Shaler Hampton EMS (SHEMS)**

The next item of business was a report from Mr. Eric Schmidt, Director of Shaler Hampton EMS.

**Mr. Schmidt** reported on the call volume for the month of February.

**Mr. Schmidt** stated that EMS subscriptions should begin arriving in the mail either Wednesday or Thursday. **Mr. Schmidt** stated this is the 3<sup>rd</sup> year in a row without any change in cost or coverage.

### **New Business**

#### **Eagle Scout Commendation**

The next item of business was an Eagle Scout Commendation.

**Mr. Wagner** presented Joshua Turner with an Eagle Scout Commendation and congratulated him and his family.

#### **Possible Awarding of Fawcett Fields Project Bid**

The next item of business was the possible awarding of the Fawcett Fields Project Bid.

**Mr. Iozzo** moved, seconded by **Mr. Mizgorski**, that the **Fawcett Field Restroom Site Preparation Project – Contract A** be awarded to **W.M. Aiken & Son**, they being the lowest responsible bidder for site work related to the installation of the restrooms only. The motion was carried.

**Mr. Lovato** stated that this project is part of the GEDTF grant from which funds were left over, and the scope was expanded to include the restroom and potential paving. **Mr. Lovato** stated that the site work came in higher at \$268,000 and paving came in at \$85,372.50. **Mr. Lovato** stated that we would proceed with the lesser scope of work and do paving at a later time.

### **Possible Awarding of 2023 Road Paving Program**

The next item of business was the possible awarding of the 2023 Road Paving Program. **Mr. Mizgorski moved, seconded by Mr. Iozzo, that the 2023 Road Paving Program be awarded to Shields Paving, they being the lowest responsible bidder with a bid of \$1,337,143.30. The motion was carried.**

**Mr. Lovato** stated that this project does fall within the total budget of \$1.4 million.

### **PUBLIC HEARING: Considering the unsafe, unfit, structurally unsound, and dangerous conditions of those residential structures known as:**

<b>503 Little Pine Creek Road</b>	<b>Lot &amp; Block 221-B-270</b>
<b>1076 William Flynn Highway</b>	<b>Lot &amp; Block 284-D-48</b>
<b>1037 Saxonburg Blvd</b>	<b>Lot &amp; Block 285-C-65</b>

The next item of business was the public hearing to consider the unsafe, unfit, structurally unsound, and dangerous conditions of those residential structures known as:

503 Little Pine Creek Road	Lot & Block 221-B-270
1076 William Flynn Highway	Lot & Block 284-D-48
1037 Saxonburg Blvd	Lot & Block 285-C-65

*Please see Public Hearing Minutes from Court Reporter.*

### **Subdivision – Dommark Properties, Locust Ridge Drive, Pittsburgh, PA 15209, Allegheny County Lot & Block #119-A-181, Lot & Block #119-A-182, Lot & Block #119-A-183, and Lot & Block #119-A-184**

The next item of business was the Subdivision – Dommark Properties, Locust Ridge Drive, Pittsburgh, PA 15209, Allegheny County Lot & Block #119-A-181, Lot & Block #119-A-182, Lot & Block #119-A-183, and Lot & Block #119-A-184.

**Mr. Iozzo moved, seconded by Mr. Mizgorski, that the Subdivision – Dommark Properties, Locust Ridge Drive, Pittsburgh, PA 15209, Allegheny County Lot & Block #119-A-181, Lot & Block #119-A-182, Lot & Block #119-A-183, and Lot & Block #119-A-184 be approved. The motion was carried.**

**Mr. Lovato** stated that this was referenced in the Planning Commission report. **Mr. Lovato** stated that each side of a duplex can be sold individually and that this is consistent with the zoning in this district.

### **Receipts and Authorizations**

The next item of business was the receipts for the month of February 2023.

**Mr. Boyle moved, seconded by Mr. Wagner, that the receipts for the month of February 2023 be turned over to the proper authorities for deposit. The motion was carried.**

The next item of business was the authorizations for the month of February 2023.

**Mr. Boyle moved, seconded by Mr. Wagner, that warrants be drawn for the month of February 2023. The motion was carried.**

### **Reports of Standing Committees**

#### **Parks & Recreation Committee**

### **Possible Approval of Upgrades to Denny Park and Richter Park**

The next item of business was the possible approval of upgrades to Denny Park and Richter Park.

**Mrs. Fisher moved, seconded by Mr. Boyle, to approve the upgrades to Denny Park and Richter Park. The motion was carried.**

**Mr. Lovato** stated that these upgrades were discussed at the committee meeting, and they are general improvements to the facilities at these parks and are within the budget.

### **Finance Committee**

#### **Possible Approval of Accounts Payable Policy**

The next item of business was the possible approval of the Accounts Payable Policy.

**Mr. Boyle moved, seconded by Mr. Wagner, to approve the Accounts Payable Policy. The motion was carried.**

**Mr. Lovato** stated we are in the process of reviewing and updating all of our policies and procedures and this was part of that review.

### **Ordinances & Resolutions**

#### **Ordinance No. 1972 Stop Intersection on Greenfield Road at Pin Oak Drive**

The next item of business was Ordinance No. 1972 Stop Intersection on Greenfield Road at Pin Oak Drive.

**Mr. Boyle moved, seconded by Mrs. Fisher, that the Stop Intersection on Greenfield Road at Pin Oak Drive Ordinance be approved by roll call vote.**

**Roll Call Vote: Ayes: Fisher, Iozzo, Boyle, Shutter, Wagner, Mizgorski, Cross**  
**The motion was carried.**

**Mr. Lovato** stated that Sergeant McBurney completed a traffic study in this area and recommended stop signs be installed. **Mr. Lovato** stated this ordinance will allow these stop signs to be enforced by the police.

#### **Resolution No. 6-2023 Local Government Week**

The next item of business was the possible approval of Resolution No. 6-2023 Local Government Week.

**Mr. Mizgorski moved, seconded by Mr. Wagner, that Resolution No. 6-2023 Local Government Week be approved. The motion was carried.**

**Mr. Lovato** stated that this week recognizes the work that local government does for its citizens.

#### **Resolution No. 7-2023 503 Little Pine Creek Road Demo**

The next item of business was the possible approval of Resolution No. 7-2023 503 Little Pine Creek Road Demo.

**Mr. Mizgorski moved, seconded by Mr. Wagner, that Resolution No. 7-2023 503 Little Pine Creek Road Demo be approved. The motion was carried.**

**Resolution No. 8-2023 1076 William Flynn Highway Demo**

The next item of business was the possible approval of Resolution No. 8-2023 1076 William Flynn Highway Demo.

**Mr. Wagner moved, seconded by Mr. Mizgorski, that Resolution No. 8-2023 1076 William Flynn Highway Demo be approved. The motion was carried.**

**Resolution No. 9-2023 1037 Saxonburg Blvd Demo**

The next item of business was the possible approval of Resolution No. 9-2023 1037 Saxonburg Blvd Demo.

**Mr. Iozzo moved, seconded by Mr. Mizgorski, that Resolution No. 9-2023 1037 Saxonburg Blvd Demo be approved. The motion was carried.**

**Resolution No. 10-2023 Authorizing Emergency Work on E Elfinwild Road**

The next item of business was the possible approval of Resolution No. 10-2023 Authorizing Emergency Work on E Elfinwild Road.

**Mr. Boyle moved, seconded by Mrs. Fisher, that Resolution No. 10-2023 Authorizing Emergency Work on E Elfinwild Road be approved. The motion was carried.**

**Mr. Lovato** stated that this is for the sinkhole that **Mr. Sebastian** discussed earlier. **Mr. Lovato** stated the Township stormwater line is rotted out. **Mr. Lovato** stated the sinkhole will continue to worsen and this is a public safety issue. **Mr. Lovato** stated we received bids from 4 vendors and Francis Excavating was the lowest responsible bidder at \$25,500.00.

**Resolution No. 11-2023 1042 Middle Road Sewage Treatment Plan**

The next item of business was the possible approval of Resolution No. 11-2023 1042 Middle Road Sewage Treatment Plan.

**Mr. Wagner moved, seconded by Mrs. Fisher, that Resolution No. 11-2023 1042 Middle Road Sewage Treatment Plan be approved. The motion was carried.**

**Mr. Sebastian** stated this is part of the standard paperwork for the DEP related to sewer planning modules. **Mr. Sebastian** stated this house can't be served by a public sewer, so they are putting in a single structure sewer treatment facility.

Upon inquiry from **Mr. Wagner**, **Mr. Sebastian** stated that there is a discharge that will make its way to a stream. **Mr. Wagner** stated it goes from tank 1 to tank 2 and is then disinfected in a chlorinator prior to going into a stream. **Mr. Wagner** stated there is a maintenance agreement and inspected every 5 years.

Upon inquiry from **Mr. Cross**, **Mr. Sebastian** stated that ACHD has not approved this yet as it needs to be submitted to the DEP first.

**Commissioners Comments**

There were no commissioner comments.

**Managers Comments**

**Mr. Lovato** stated that he is attending the PELRAS conference with Chief Frank, Lieutenant Watkins, and Amanda Jennings this week.

**Chief Frank**

There were no comments from Chief Frank.

**Public Comments:**

**Robert Ambrose, 1322 Walters Ave**

**Mr. Ambrose** asked about the crosswalk near Gally Park as it is missing 2 signs and the lines were never repainted after paving. **Mr. Ambrose** also asked if a new crosswalk was put in at Lori Ann Way and Evergreen Ave.

**Mr. Cross** asked **Chief Frank** to look into both areas.

There being no further business, **Mr. Boyle moved, seconded by Mrs. Fisher, that the meeting be adjourned at 7:48 PM.**

Respectfully submitted,

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Christopher A. Lovato, Secretary  
Seal

Shaler Township Commissioners Meeting  
300 Wetzel Road  
Pittsburgh, PA 15116

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March 14, 2023

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COMMISSIONERS PRESENT:

David W. Shutter, President (via telephone)

William Cross, Vice President

Frank Iozzo, Member

David Mizgorski, Member

Susan Fisher, Member

James M. Boyle, Member

Conrad Wagner, Member

SOLICITOR:

Harlan Stone, Esq.

TOWNSHIP MANAGER:

Christopher Lovato

TOWNSHIP ENGINEER:

Matthew Sebastian, P.E.

BUILDING INSPECTOR/ZONING CODE OFFICIAL:

Robert Vita

ADMINISTRATIVE ASSISTANT:

Melanie Crawford

TRANSCRIBED BY:

Noreen A. Re

Certified Realtime Reporter

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EXCERPT OF PROCEEDINGS

PUBLIC HEARING: Considering the unsafe, unfit, structurally  
unsound, and dangerous conditions of those residential  
structures known as:

503 Little Pine Creek Road, Lot & Block 221-B-270

1076 William Flynn Highway, Lot & Block 284-D-48

1037 Saxonburg Boulevard, Lot & Block 285-C-65

P R O C E E D I N G

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EXCERPT OF PROCEEDINGS

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4  
5 (Whereupon, in the physical absence of Mr. Shutter,  
6 Mr. Cross was acting chairman.)

7 -----

8 MR. CROSS: Next we will be holding a public hearing  
9 considering the unsafe, unfit, structurally unsound and  
10 dangerous conditions at the residential structures known as  
11 503 Little Pine Creek Road, Lot & Block 221-B-270;  
12 1076 William Flynn Highway, Lot & Block 284-D-48; and  
13 1037 Saxonburg Boulevard, Lot & Block 285-C-65.

14 Mr. Solicitor, would you like to proceed.

15 MR. STONE: Yes. Let the record show that tonight  
16 was the date and time scheduled and noticed for a hearing on  
17 the three properties known as 503 Little Pine Creek Road,  
18 1076 William Flynn Highway and 1037 Saxonburg Boulevard.

19 Let me ask now if there is anybody here who intends  
20 to testify either in favor of or in opposition to the proposed  
21 demolition of these three structures.

22 (No response.)

23 MR. STONE: So before we start, we're going to do  
24 them one at a time. And I will call as the township's first  
25 witness Mr. Sebastian, who is the township engineer. While



1 he's being sworn in, we will make two exhibits, Board  
2 exhibits, township exhibits.

3 The first one is a copy of Resolution No. 7-2023  
4 pertaining to the structure at 503 Little Pine Creek. The  
5 first exhibit is a copy of the resolution with photographs  
6 attached. The second exhibit will be a copy of the proof of  
7 publication showing that notice of tonight's hearing was  
8 placed in the Pittsburgh Post-Gazette on March 2, 2023.

9 So we'll make a copy of the proof of publication and  
10 a copy of the resolution as exhibits for the Board. I will  
11 ask Mr. Sebastian some questions about his inspection of the  
12 property.

13 (Oath administered.)

14 MR. STONE: Let the record also show, before we move  
15 on, that the property was also posted and that certified  
16 letters were sent to the owners, purported owners and to the  
17 mortgagees, any of the recorded liens on the property.

18 -----

19 MATTHEW SEBASTIAN

20 a witness herein, was duly sworn and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STONE:

23 Q. Mr. Sebastian, would you state your name, please, for the  
24 record.

25 A. My name is Matthew Sebastian.

1 Q. Are you employed by Shaler Township?

2 A. Yes, I am.

3 Q. Are you familiar with the property located at 503 Little  
4 Pine Creek Road?

5 A. Yes, I am.

6 Q. Did you visit the property on February 20, 2023?

7 A. Yes.

8 Q. Do you want to please describe what you found on your  
9 inspection of the property.

10 A. We found the property to be vacant, abandoned, in  
11 disrepair and unsecured generally. It's uninhabitable.

12 Q. More specifically, did you make any observations as to the  
13 structure, whether it had been neglected, damaged or whether  
14 it constituted some type of attractive nuisance? Did you make  
15 any determination in that regard?

16 A. Yes. The building was damaged and decaying and we believe  
17 has been vacant for many years. It is certainly in a  
18 condition as a nuisance.

19 Q. Did you take any photographs at the time?

20 A. Yes. Photographs were taken.

21 Q. If I show you a copy of the resolution, which we marked as  
22 a Board exhibit -- we'll make it Exhibit 1. I ask you to take  
23 a look at the --

24 (Document shown to Mr. Sebastian for his review.)

25 Q. Would you review those photographs, please.

1 (Witness reviews photographs.)

2 A. Yes. These are the property in question.

3 Q. And those were the photographs you took on February 20th?

4 A. That's correct.

5 Q. Are you familiar with the 2009 International Property  
6 Maintenance Code?

7 A. Yes.

8 Q. Are you familiar with Section 108 of the Code which deals  
9 with unsafe structures?

10 A. Yes.

11 Q. Based on your inspection of the property and the structure  
12 located on it, do you have an opinion as to whether it  
13 constitutes an unsafe structure, as defined in Section 108?

14 A. Yes. We find the property to be dangerous to the life,  
15 health, property or safety of the public, as defined in  
16 Section 108 of the 2009 International Property Maintenance  
17 Code.

18 Q. Are you recommending that the structure be repaired or  
19 demolished within a reasonable period of time?

20 A. Yes.

21 Q. Do you believe ten days to be a reasonable time to either  
22 repair the structure, to make it safe or to have it  
23 demolished?

24 A. Yes.

25 Q. I have no other questions.

1 MR. STONE: Again, I would ask if there is anyone in  
2 the audience who has any questions for this witness.

3 (No response.)

4 MR. STONE: With the introduction of Exhibit A, which  
5 was the ordinance, and Exhibit B, which is the proof of  
6 publication, we'll close the record; and we'll move on to the  
7 next property.

8 -----

9 BY MR. STONE:

10 Q. So the next property is located at William Flynn Highway.  
11 Again, can you state your name again for the record, please.

12 A. Matthew Sebastian.

13 Q. You work for Shaler Township?

14 A. Yes, I do.

15 Q. And you're the engineer?

16 A. I am.

17 Q. And you're familiar with the property located at  
18 1076 William Flynn Highway?

19 A. Yes.

20 Q. And have you inspected that property recently?

21 A. Yes.

22 Q. Did you inspect it on February 20, 2023?

23 A. Yes.

24 Q. If I show you a copy of, again, what we will mark as the  
25 Board's Exhibit No. 1, which is the resolution, and show you

1 that resolution with the photographs attached. (Pause.) That  
2 will be, again, Exhibit No. 1. Exhibit No. 2, just like it  
3 was in the last hearing, will be the proof of publication.  
4 Take a look and tell me if those photographs reflect the  
5 condition of the property as you saw it when you visited it on  
6 February 20th.

7 (Witness reviews photographs.)

8 A. Yes. These are the photographs from that visit.

9 Q. Again, did you make any observations about the condition  
10 of the property?

11 A. Yes. The property was vacant. It was unsecured and was  
12 abandoned for a number of years. Our observations showed the  
13 property was damaged and decaying. And also in line with  
14 Section 108 of the International Property Maintenance Code, we  
15 determined that it is a danger to the life, health, property  
16 or safety of the public.

17 Q. And do you have an opinion as to whether the structure is  
18 unfit for human occupancy, as defined in that Section 108?

19 A. Yes. It is uninhabitable.

20 Q. Are you recommending that the structure be repaired or  
21 demolished within a reasonable period of time?

22 A. Yes.

23 Q. Do you believe ten days to be a reasonable time to either  
24 repair the structure or to have it demolished?

25 A. Yes.

1 MR. STONE: So we will, again, introduce the  
2 ordinance as Exhibit No. 1 and the proofs of publication as  
3 Exhibit No. 2.

4 -----

5 BY MR. STONE:

6 Q. The last one. This is to adopt the resolution for  
7 repair/demolition of the property located at 1037 Saxonburg  
8 Boulevard. Again, we'll make Exhibit No. 1 a copy of the  
9 ordinance; and we'll make Exhibit No. 2 a copy of the proofs  
10 of publication.

11 Again, I want to make it clear for the record that in  
12 all three of these cases, in addition to the proofs of  
13 publication, that we also posted the property. And we also  
14 sent certified letters to the purported owners and lienholders  
15 of record.

16 (Pause.)

17 (Witness reviews photographs.)

18 Q. Again, I'm going to ask you just to look at the  
19 photographs and tell me if you recognize them and if they  
20 accurately reflect the observations that you made at the time  
21 of your visit on February 20th.

22 A. Yes. The photographs do accurately represent the state of  
23 the property.

24 Q. Did you find the condition of the property to be very poor  
25 due to years of neglect and abandonment?

1 A. Yes. Additionally, this property suffered catastrophic  
2 fire damage.

3 Q. Again, are you familiar with the International Property  
4 Maintenance Code of 2009?

5 A. Yes.

6 Q. And are you familiar with Section 108?

7 A. Yes.

8 Q. And based on your inspection, do you have an opinion as to  
9 whether the structure is unfit for human occupancy?

10 A. Yes. The structure is uninhabitable.

11 Q. And are you recommending that the structure be repaired or  
12 demolished within a reasonable period of time?

13 A. Yes.

14 Q. Do you believe ten days to be a reasonable time to either  
15 repair it or to have it demolished?

16 A. Yes.

17 MR. STONE: Again, I'll ask if there is anybody here  
18 tonight that wishes to ask any questions of this witness.

19 (No response.)

20 MR. STONE: Otherwise, with the introduction of the  
21 two exhibits, the ordinance with the photographs attached and  
22 the proof of advertising, we will close the record on all  
23 three of these hearings. Thank you, Matt.

24 (Whereupon, the above-captioned excerpt was  
25 concluded.)

