

MINUTES
REGULAR MEETING, SHALER TOWNSHIP
BOARD OF COMMISSIONERS
TUESDAY, AUGUST 8, 2023

The meeting was called to order at approximately 7:02 P.M. by Chairman David Shutter. Following a prayer by Commissioner Cross and the Pledge of Allegiance, the Chairman asked the Secretary to call the roll as follows:

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

The Vice Chairman announced that an Executive Session was held on July 11, 2023 and this evening at 5:30 p.m. wherein the following topics were discussed: employment and personnel matters, contracts and policies, an update on potential litigation related to zoning, 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, July 11, 2023.

Mr. Boyle moved, seconded by Mrs. Fisher, that the Minutes of the Regular Meeting of July 11, 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 there was nothing to report this evening as the Planning Commission did not have a meeting last month.

Engineers Report

The next item of business was the Engineers Report.

Mr. Lovato stated there was no Engineers Report for this evening.

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 July.

Mr. Schmidt stated that they have received 224 new subscriptions for a total of 3,966 households that have subscribed.

Mr. Schmidt discussed the recent Burchfield fire and said there were many people on scene including fire, police, and EMS.

New Business

Possible Approval of the 2023-2024 Morton Salt Agreement

The next item of business was the possible approval of the 2023-2024 Morton Salt Agreement.

Mr. Mizgorski moved, seconded by Mr. Iozzo, that the 2023 Morton Salt Agreement be approved. The motion was carried.

Mr. Lovato stated that Shaler Township participates in the North Hills COG bid for rock salt and that Morton Salt was the low bidder at \$81.77/ton. Upon inquiry from **Mr. Shutter, Mr. Lovato** stated that the salt dome is full due to the mild winter last year.

Possible Approval of the Verizon Lease Agreement

The next item of business was the possible approval of the Verizon Lease Agreement.

Mr. Iozzo moved, seconded by Mr. Mizgorski, that the Verizon Lease Agreement be approved. The motion was carried.

Mr. Lovato stated that this is an extension for the cell tower lease at Sharps Hill for which the equipment is already in place.

Ratification of Garbage Contract

The next item of business was the ratification of the garbage contract.

Mr. Mizgorski moved, seconded by Mr. Wagner, that the ratification of the garbage contract awarded to Westmoreland Sanitary Landfill, LLC D.B.A. County Hauling be approved.

Mr. Lovato stated that the garbage contract was awarded last month, but due to the timing of last month's agenda we are asking to ratify this agreement.

Receipts and Authorizations

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

Mr. Boyle moved, seconded by Mr. Wagner, that the receipts for the month of July 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 July 2023.

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

Ordinances & Resolutions

Public Hearing: Zoning Ordinance Amendment Amending the Definition of "Family"

The next item of business was the public hearing for the Zoning Ordinance Amendment amending the definition of "family."

Mr. Stone stated that this was the date and time scheduled for the public hearing and possible enactment of an amendment to the Shaler Township Zoning Ordinance.

Mr. Stone introduced the following exhibits:

Board Exhibit 1 – Copy of the proposed ordinance that is under consideration.

Board Exhibit 2 – Copy of the letter from the County Department of Economic Development dated 6/14/23 commenting on the ordinance.

Board Exhibit 3 – Copy of the public notice that was advertised on Thursday, July 13, 2023 and again on Thursday, July 20, 2023 in the Post-Gazette which we are required to do according to state law.

Board Exhibit 4 – Copy of the proof of publication from the Pittsburgh Post-Gazette evidencing the ads were placed as stated.

Board Exhibit 5 – Copy of the Shaler Township Planning Commission Meeting Minutes of June 19, 2023 containing their recommendation with regard to the adoption of the proposed ordinance.

Mr. Stone stated that the ordinance has been available at the municipal building for review. **Mr. Stone** stated the current ordinance has a limitation of no more than 3 individual non-related persons from living together and being considered a family. **Mr. Stone** stated that the amendment would include language to allow in addition to 3 unrelated individuals, up to 6 disabled individuals, or another minimum number of disabled persons not so related necessary to allow the disabled persons to live in a residential neighborhood. **Mr. Stone** stated this is provided that the minimum number of disabled persons does not impose undue financial or administrative burden or hardship to the Township or change in the Township zoning. **Mr. Stone** stated that these individuals have to be living together and cooking together as a single housekeeping unit excluding any household employees. **Mr. Stone** stated that we believe this change is primarily designed to bring the Township into compliance with federal law and the Federal Fair Housing Act.

Mr. Stone then asked anyone to come forward who would like to speak in favor of the ordinance.

Joe Perotti, Attorney with Goehring, Rutter & Boehm

Along with representatives from ReMed: Eddie George, Regina Lesaco, Becca Rubisch

Mr. Perotti stated that he believes the ordinance is well written, promotes general health, safety and welfare, and is consistent with the FHA. **Mr. Perotti** stated that he believes this has become personal and that some individuals are trying to take advantage of the patients. **Mr. Perotti** stated that this ordinance takes care of the most vulnerable people in this area and ensures all residents are treated equally.

Mr. Stone then asked anyone to come forward who would like to speak against the ordinance.

Patrick Murray, 450 McElheny Road

Mr. Murray stated he found the comments regarding personal attacks to be insulting. **Mr. Murray** stated that they have followed the laws and that they are in place to protect everyone's property rights. **Mr. Murray** stated a spotlight shines in his window at night and the facility is now using vehicles with transit signs. **Mr. Murray** stated that the portion of the ordinance that

he objects to is the number 6 and called it spot zoning. **Mr. Murray** questioned the number 6 as there is no case law saying that 6 is the appropriate number. **Mr. Murray** stated this number specifically caters to a company that does not run as a family unit and if the number was taken out, he would have zero objection.

Joseph Manno, 411 McElheny Road

Mr. Manno stated that he also opposes the change to 6 occupants. **Mr. Manno** stated he has observed 20-25 vehicles in and out on any given day, spotlights have also shown in his windows, and alarms go off weekly. **Mr. Manno** stated he does not want to live next to a business.

At this time, the public hearing ended as no one else came forward to speak for or against the ordinance.

Possible Approval of the Zoning Ordinance Amendment Amending the Definition of “Family”

The next item of business was the possible approval of the zoning ordinance amendment amending the definition of “family.”

Mr. Iozzo moved, seconded by Mr. Cross, that the zoning ordinance amendment amending the definition of “family” be approved by roll call vote.

Upon inquiry from **Mrs. Fisher**, **Mr. Stone** stated that we would make this change to be more consistent and in line with federal cases and the FHA. **Mr. Stone** stated that 6 was more reflective of the trend in federal law. **Mr. Stone** stated 6 would be used as a base and that the Township and Zoning Officer would have the option to go higher if they felt it was necessary.

Upon inquiry from **Mrs. Fisher**, **Mr. Stone** stated there are around 28 group homes in Shaler Township. Upon inquiry from **Mrs. Fisher**, **Mr. Stone** stated that any of these 28 group homes could increase to 6 based on the definition of family alone, but they would still have to comply with other codes including building and occupancy.

Mr. Lovato stated that regardless of what happens with the ordinance, there are still zoning obligations including spotlights, trash, etc. **Mr. Lovato** stated if there are continual issues that they be brought to the Township’s attention so as to reach a resolution.

Roll Call Vote:

Ayes: Iozzo, Boyle, Cross, Mizgorski

Nay: Wagner, Fisher, Shutter

The motion was carried.

Resolution No. 18-2023 Opt-In CDBG and HOME Programs

The next item of business was the possible opting in of CDBG and HOME Programs **Mr. Boyle moved, seconded by Mr. Cross, that Resolution No. 18-2023 Opt-In CDBG and HOME Programs be approved. The motion was carried.**

Mr. Lovato stated that this allows the county to include Shaler in the count when applying for federal funding and ensures Shaler is eligible for certain grant funding.

Resolution No. 19-2023 Agreement with DOT for the Acceptance of SMART Funds

The next item of business was the possible approval of an agreement with the Department of Transportation for the acceptance of SMART funds.

Mr. Boyle moved, seconded by Mr. Mizgorski, that Resolution No. 19-2023 Agreement with the Department of Transportation for the acceptance of SMART funds. The motion was carried.

Mr. Lovato stated this involves the funding for the connector trail study along the river between Millvale, Shaler, and Etna and allows us to change the signatory on it to Judy Kording.

Commissioners Comments

Mr. Cross stated that Shaler Villa VFC took delivery of their new squad last Thursday and dedicated it in honor of Drew Gerst. **Mr. Cross** stated that Drew spent 60 years of service to Shaler Villa and also served on various boards and committees in Shaler Township.

Managers Comments

Mr. Lovato thanked pool management for everything they do to keep the pool operating and for their efforts in making it a good family atmosphere.

Public Comments:

Mr. Shutter asked if anyone had any comments or questions related to stormwater issues in Shaler Township. There were none.

Daniel Welch, 6A Elizabeth Street

Mr. Welch discussed comments that were made about him at the previous Board meeting and referenced a letter he received dated 7/10/23 regarding vehicles on his property. **Mr. Welch** stated that he abides by state laws, all vehicles are antique, and has insurance on all of them.

Mr. Welch stated he is in the process of having a garage built that he will then use to store all of his vehicles.

Mr. Iozzo stated he noticed several vehicles had flat tires and were being used for storage. Upon inquiry from **Mr. Iozzo**, **Mr. Welch** stated he is not doing any business, either buying or selling on his street.

Mr. Lovato reiterated the cars cannot be used as storage units.

Upon inquiry from **Mr. Boyle**, **Mr. Vita** stated he and Mr. Welch will agree on a date when everything will be moved upon completion of the garage and will convey this to the Board.

Kati Maas-Crawford, 806 Glenshaw Avenue

Ms. Maas-Crawford questioned whether or not Shaler Township has a conflict-of-interest policy for their police department. **Mr. Lovato** stated that Ms. Maas-Crawford filed Right-to-Know Requests and the Township produced policies. **Mr. Lovato** stated that there is no policy entitled conflict of interest, but that he has no reason to believe that a policy would have caused anything different to occur on the evening she is referring to and that the officer fully complied with whatever a conflict-of-interest policy would have required him to do.

Ms. Maas-Crawford referenced a conflict-of-interest policy from the Hampton Police Department and presented a copy along with additional documents to Chief Frank.

Ms. Maas-Crawford asked about the Public Safety Committee. **Mr. Lovato** gave her the date of the next meeting and said she could present to the committee at that time.

Ms. Maas-Crawford described additional interactions that she stated have occurred. Upon inquiry from **Mr. Boyle**, **Ms. Maas-Crawford** stated the last occurrence she was referring to happened in July 2022.

Mr. Stone stated that even if there is no policy entitled conflict-of-interest, there are still practices, customs, policies an officer is expected to adhere to, and we believe this officer did adhere to them as the investigation that was conducted confirmed this.

There being no further business, **Mr. Boyle moved, seconded by Mrs. Fisher, that the meeting be adjourned at 8:05 PM.**

Respectfully submitted,

Christopher A. Lovato, Secretary
Seal