

FEBRUARY 6, 2017 COUNCIL MEETING MINUTES

Mayor Kuhn - Good Evening everyone it being 7:35 P.M. I will call tonight's Council Meeting to order.

APPROVAL OF AGENDA ITEMS

Mayor Kuhn - The Agenda will stand as presented will you please stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

ROLL CALL

Mr. Brodnicki
Mrs. Sapp
Mr. Underwood
Dr. Kincaid
Mayor Kuhn

Also present were Rayan, Manager, Scaglione, Purchasing Secretary, Blackwell, Planning Director, Schrecengost, Finance Director, Officer B. Hoover, Minsterman, Engineer and Alexander, Solicitor.

APPOINTMENTS

First on the Agenda I am going to put two people up for Appointments. One to the Traffic Safety Committee and another one for the Arts Council. We will take one at a time, so we will start out with the Traffic Safety. Officer Sestili has retired from the Police Department creating a Traffic Safety Committee and speaking to the Chief and to the Manager the recommendation to fill the vacancy is Traffic Officer Lape.

There being no further discussion the motion was approved by a 5-0 vote.

Mayor Kuhn - Moe if you could send out the appropriate information to the Candidate I would appreciate it.

Mayor Kuhn - the second is for the Arts Council. Catherine Meara who is the President of the Penn Hill's Art Council has elected Arlene Holtz to join the Council. They have worked with her on the Penn Hill's Art Association, where she is in charge of membership. I enjoy and respect the job that she does. She is also Vice President to the East Suburban Artists League (ESAL), and does a wonderful job there as well.

Needless to say, she is also an incredible artist so can I have roll call on filling the position of Arlene Holtz to the Arts Council.

There being no further discussion the motion was approved by a 4-0 vote.

Mayor Kuhn - Moe so if you could notify the Arts Council to let her know that she was appointed and the Officer for giving the time to the Municipality. Sometimes it is very very difficult to get applicants to serve on the boards so I appreciate when we do get responses and we ask for them and we are very thankful that we have as many that applied so if you could give them that information from the Mayor I would appreciate it.

MINUTES

Mr. Brodnicki made a Motion to approve the Minutes of January 17, 2017 Council Meeting Minutes.

Mr. Underwood seconded the motion.

There being no further discussion the motion was passed by a 5-0 vote.

EXPENDITURES

Dr. Kincaid made a motion to approve the **Expenditures of February 6, 2017**, Journal Vouchers 1, \$82,025.01, CD Requisitions 5, \$61,447.02, Checks 36632 - 36810 – \$1,664,895.70, making a Grand Total of \$1,808,367.73.

Mr. Underwood seconded the motion.

Robert Larko - 304 Hamil Road - I have a question regarding Check No. 36635.

Mayor Kuhn - Do you know what page it is on Bob?

Robert Larko - I do it is on Page Two.

Mayor Kuhn - and what was the number again?

Robert Larko - 36635 towards the top. I was just wondering what the rate is per thousand gallons that is paid on this invoice?

Mayor Kuhn - Moe do you have the answer for that? He wants to know what the rate is on this invoice?

Robert Larko - per thousand gallons?

Moe Rayan - what invoice number I am sorry I was trying

Mayor Kuhn - page two.

Moe Rayan - well that is Wilkinsburg and that includes I am not sure what the Water Authority what they charge per thousand gallons.

Robert Larko - the check is for ALCOSAN that is the vendor.

Mayor Kuhn - they don't from the top of their head Bob but they said they will get it for you so if you want to call either Ed or the Manager's Office tomorrow that would be fine. I haven't seen you for awhile.

Robert Larko - I know it has been a while it is good to see you.

Rick Minsterman - I don't know what it is for that invoice because I don't know the period but for 2016 the ALCOSAN rate was \$7.23 per thousand, for 2017 it is \$8.03 per thousand.

Robert Larko - I saw it on the Budget Document and I don't know if this is the right time to have this discussion or not but a couple of folks called ALCOSAN and they gave us different rates and we weren't sure why they would be different from what is on their web site and what people have spoken to the people there and the rates are different. Is there some sort of add on that is in addition to the normal sewage rate that we are paying?

Rick Minsterman - there is an equivalent rate because this is the per thousand rate that we take the service charge that ALCOSAN charges per customer and we just bill that into the actual per thousand rate.

Robert Larko - which is \$15.00 correct?

Rick Minsterman - I don't know what ALCOSAN's rate is actually for service charge, I am saying that if our rate is higher than what you are seeing it is because we do an equivalent rate so that our rate for Penn hills can be added directly to the rate per thousand for ALCOSAN to get the total.

Robert Larko - o.k. but the charge is \$15.00 so if I take that times four that is sixty so that is .6, it seems like a lot compared to the different \$8.03 versus \$6.91 per thousand gallons and in addition we are paying a \$15.00 service fee so is that \$15.00 service fee that we are charged now it is \$30.00 was that not to replenish the fee that we were getting charged by ALCOSAN.

Rick Minsterman - no, no there was an ALCOSAN charge and then there is a Penn Hills Charge so part of your bill is made up by the ALCOSAN invoice and other part is made up by Penn Hills so the number I quoted you and we can get you the

calculation to show you the breakdown of how the service charge is broken down into a per thousand gallon rate so you can see where that number comes from.

Robert Larko - I do have that and just to elaborate a little bit so if I take out the ALCOSAN charges we can see that the Municipality Rate was flat until this year. Using the rates that are on the budget but the increase this year was a 56% increase just for the Penn Hills charge in addition to a 50% increase to the fee. So I am wondering and I know the Budget is done, nobody was here I guess we with all the school district issues a lot of the folks were focused on that but plus we are getting almost a million dollars in grant money for projects, correct?

Moe Rayan - that was denied. Last Thursday night. That million dollars is gone.

Mayor Kuhn - ALCOSAN just notified us and we are not too happy about it but just to and I was going to present this information because I have gotten three calls regarding the sewer charge increase and at the December 5, 2016 Budget Hearing Meeting which you can get those Minutes because we went into great depth at that meeting we had the charts for the last eight years showing Penn Hills that we had eight years ago a very large increase in the sewage rate and in the surcharge and Mayor & Council at that time went to I believe it was seven different meetings at Churches and Fire Halls to explain what the situation was and that was in 2008 and at that time we told all the residents and we gave our word that we would not raise the rates again for five years well we did not raise the rates for eight years. So for eight years since 2008 until 2017 the sewer rates have not been increased and we did have a surcharge of \$30.00 a quarter and that was decreased to \$20 per quarter and then it decreased to \$15.00 per quarter so ALCOSAN increased their rates I don't remember the dates it was like either four or five years that ALCOSAN increased their rates and when they increased their rates Penn Hills did not.

Robert Larko - the budget documents show that it did.

Mayor Kuhn - no we did not increase our rates for eight years, am I right Moe?

Moe Rayan - it only included the increases from ALCOSAN but increase for Penn Hills there was never an increase.

Mayor Kuhn - right and at that meeting we had charts for the public to show.

Moe Rayan - the charts are still here.

Mayor Kuhn - they are still here. Where it showed the years that ALCOSAN increased their rates but Penn Hills did not. We kept our rates the same for 2008 and unfortunately ALCOSAN does not bill and that is a very sad thing because of the fact when the public and the residents receive their bill for their water and sewage they are assuming that that bill is all for Penn Hills which it is not. We have to pay ALCOSAN

because we have to bill for them so it is very hard when most people when they receive their bill they don't realize that that is also ALCOSAN's charge and when we and like I said if you get the Minutes from December 5th you will see that this was well spoken with and then at our next meeting we also had it on for the public and we had no one in here so is not that they weren't aware the first one they might have been but the second one the media was here and they put it in the newspaper that there was an increase so anyone could have come to that second meeting but they didn't but to put into the proper because I have had phone calls where the one woman was very nice I spoke to her for about thirty five minutes and once I explained everything to her she said she wasn't happy but at least she understood why and the increase from just the surcharge o.k. taking it from \$15 to \$30 which it originally was and we decreased it twice so now we put it back up that adds up to depending on how much usage you have. That adds up to \$15.00 to \$30.00 a quarter or the increase is \$5.00 a month and then on the per house it is a \$1.25 a week so you would be talking anywhere from \$15.00 to \$30.00 divided by three months.

Robert Larko - o.k. I get the math.

Mayor Kuhn - the increase if you are

Robert Larko - if it was one or the other we might not have a sizeable crowd here tonight but it was both.

Mayor Kuhn - but the thing of it is I have this other resident who said we have to take a mortgage out on our house to pay for the sewage bill well when you are talking five dollars a month and then another five dollars a week that would be fifteen dollars you are talking over a three month period only \$20.00 a month for this increase. And anyone who has followed what we have done as a Council for our sewer system we didn't raise the rates for eight years and we also put how many millions was it Moe

Moe Rayan - \$20 million dollars

Mayor Kuhn - \$20 million dollars without increasing and also without taking the money out and beside that eight years ago we were under The Criminal Consent Decree. We worked very hard went to Harrisburg did a lot of fighting had all of our records in order and we got dropped down to The Consent Order which all the other Communities surrounding had and then just last year the EPA let Penn Hills be in charge of their own taking care of the sewers because they were so please with what we had done and with the records that we keep. Now that being said like I said we bring in \$20 million never increased the rates for eight years and then never borrowed anything and we have done that much work now that being said for the four or five years that ALCOSAN increased their rates and Penn Hills didn't that meant that we were using what surplus we had. Like I said Bob I know that you follow everything but I am telling for other people who are in the audience and not only was that done but the fact is Penn Hills is an old Community, the sewers were in terrible condition that is why

Penn Hills was fined which wasn't any of our Administration none of us were on and that is why they deteriorated to the point that they did because no Council wanted to vote for an increase to the sewers because of the fact that is not popular and they would rather fix a street or open a park because then people can see that and they say isn't that Council wonderful because they gave us new paved streets and they gave us a nice park but in the meantime because the sewers are underground they completely deteriorated now even though we are on our own the EPA still gives Penn Hills mandates that we have to do because the work that we did is done but we have 22,000 households so we have to still keep all of the records, all the charts and we have to continue to improve the piping through The Municipality that wasn't done in this last eight years and being that we didn't know they said well we would have liked the increase to be a little bit every time and I said well that is one way of looking at it but the other way of looking at it is for eight years you had a savings so you have to consider that and then I ask the people when I speak to them what was your gas bill eight years ago, what was your electric bill eight years ago but most importantly what was your Comcast bill eight years ago compared to what it is now. Well you have to realize everyone else's did increase but Penn Hills didn't. Like I said when you calculate this I mean even if you want to take the high rate the \$30.00 a quarter that is ten dollars a month that is \$1.25 a week increase and that is the surcharge and then is you want to take the amount that is used from usage you are talking a \$1.25 a week so like I said I don't know anybody's finances and I don't want to know their finances but I don't think that \$10.00 a month and \$5.00 a month more that for \$15.00 you have to take a mortgage out on your house. Like I said I don't think anyone cuts off their Comcast. Well this is a lot more important than that type of thing. This is sewage, raw sewage that has to be taken care of and this isn't 1950 or 1960 or 1970 EPA and DEP put mandates on every Municipality. Now one other thing that I asked this resident to do for me if anybody was following up on sewer systems and I say this at every meeting and I said it at this meeting when the sewers were increased. Allegheny County wants to do a Regionalization Program, I don't know if you have heard of it Bob, what they are doing is all of the Communities in Allegheny County they are going to put a flat rate on every household. So what our flat rate is in Penn Hills household is going to be the same as in Wilkins, Plum or what have you. The reason they are doing this is because of the fact that they state that these Communities cannot afford to do this work on their own, you will bankrupt these Communities. Now my Council can vouch for this I have gone to so many meetings with the County, with the State Representative, with our State Senator and also with Tim Murphy, the Congressman. Any time they have a meeting to speak on this the Mayor of Penn Hills is there and I explain to them Penn Hills had to pay for all of this work. We weren't able to get a grant because we were under Criminal Decree and our residents have been paying this for twenty some years and I said to them now Penn Hills is at the point when we are proactive not reactive because of the fact that we have done all the mandates that the other Communities are going to have to do now. And I said now let's take a look at it. Let's say one of the Communities has 5,000 households and Penn Hills has 22,000. If you are going to put a flat rate across the board then who is going to be putting in the most money into this Regionalization. Let's say it is ten dollars a month flat rate. If you have 22,000 households you multiple

that by ten and that is how much Penn Hills is putting in. If you have 5,000 households and have a flat rate that is how much a neighboring Community is putting in so you know you are asking Penn Hills to put the largest amount of money into this Regionalization pot of money. They get every other Community to draw on that to take care of what their sewers are which Penn Hills already paid for and I said if you think this Mayor & Council is going to go along with that you are badly mistaken. We had to pay with no help from the Federal, State or County and not only did we have to pay but now you want us to be the largest contributor to this Regionalization Plan and we are not going to be taking hardly anything out because of the fact we have already done it. So that means that my residents paid to do all of these mandates and these other Communities were laughing because Penn Hills sewer rates were so high and the EPA kept telling us that well theirs are going to increase too because they are going to have to do what you did and now all of a sudden you want us to be a Regionalization and help your neighbors out. I said I didn't see the County or anyone else coming to help Penn Hills out and I said this Mayor and Council is not going to go into the Regionalization unless Penn Hills gets something from it. I said because we have already paid and now I am not having my residents pay for other Communities and we have a neighboring Community who needs to go into our system. We negotiated with them and went back and forth and we had a figure on the table of \$175,000, then when they heard about the Regionalization they laughed in Penn Hills face and told us we are not giving Penn Hills a dime because we will wait until the Regionalization comes in and then Penn Hills doesn't own all the plans that we put in. It is the Region that does and we can go in it for free. So I said fine you want to play that way we will not participate. We had meetings here with ALCOSAN and as I said we had meetings with all the public officials and I was told by the ALCOSAN people and I was told by the Allegheny County Rich Fitzgerald Executive well go ahead if Penn Hills wants to go out on their own go ahead but you are going to be watched everyday by the EPA thinking that they were going to threaten us and my response to them was well go ahead and have the EPA watch Penn Hills we are use to it because we have been under their watch for twenty years. They are attempting to pull our bluff but what they don't realize is we aren't afraid of EPA or DEP because we are in compliance and here is the thing if we don't go in it where are their pipelines going to go. They are going to have to go around Penn Hills. They have to come through Penn Hills to get to Allegheny River Boulevard. Well if we aren't in the Regionalization Plan they are not going to. Communities around us are going to have to go miles of putting new pipe in because they can't cross over and go into Penn Hills so this Mayor & Council is very very diligent and especially where the sewer systems go. I have been involved since 1976 so I know all the ins and outs so they are not going to threaten us in any way shape or form. So I asked this resident and I am asking you if you could just write up a letter saying Penn Hills residents are not going to pay for this Regionalization. We already paid for it. We are not spending our money now to assist the surrounding Communities. I said go around and have people sign it. Send it to State Representative, State Senator and especially to the Allegheny County Chief Executive. Now I can say this because I am not a politician I am a public servant and I as am a Democrat which Rich Fitzgerald is also so you can just imagine what my Democratic Party thinks when I am bringing it to everyone's attention that he is

supportive and pushing for this and Penn Hills is not going to lay down and let it happen. Now that being said we also presented to ALCOSAN and that is what you had related to and that is what our Manager just told you last Friday they turned us down, so that is where we stand. But like I said we still have to continue the update, the televising and the repairs of piping that weren't deteriorated under the mandates and we still have to keep all of those records. That is why the increase came. Now as far as saying it is \$30.00 yes it is but it was \$30.00 and we dropped it to \$20.00 and we dropped it to \$15.00. Now we could have left it at \$30.00 and had a huge balance but we didn't. We have to do this. I am not going to be here but I am not going to leave for the next administration to be fined or put in a position that I was put in when I came on this board. I will not do that to another board. Their comments were we don't care if we aren't going to be here when the problem hits and they weren't but the Council that came after them we had to solve it and I am very proud of the Manager, the Finance Director, our Engineer and our Council who has been on since 2008 because what we have done with the sewers in Penn Hills is something to be proud of. \$20,000,000.00 no increase in rates for eight years and not one dime borrowed. Unfortunately we don't have the people who should be in the audience every meeting because that is where you find out what is happening. This is the Minutes from that meeting where I showed everything. Now in fairness to the media they are not going to have space to put all that information here so you only get bits and pieces.

Robert Larko - I am just concerned about the Senior Citizens.

Mayor Kuhn - and so I am Bob.

Robert Larko - I know their bills are going to be lower but for young families if it is \$320.00 more a year that is a \$3.2 million increase. On top of and I know it is separate entities continuing increases on the school district.

Mayor Kuhn - I tell everyone just let me interrupt you and then I will let you finish. Penn Hills Council is not the School District.

Robert Larko - but this increase to families

Mayor Kuhn - I know it Bob I have two grandchildren who live in Penn Hills.

Robert Larko - can I finish my thought please?

Mayor Kuhn - go ahead.

Robert Larko - if this rate increase was done over time that would give families either increases in their income because they are moving up or that they are getting pay raises. They would be more able to afford the smaller incremental increases than all at once.

Mayor Kuhn - Bob when we had these meetings in 2008 we asked and they were jammed. We asked the people who came. There is three ways of doing this. You can have an increase in the millage but I wasn't for that because of the fact I said that is not being fair to the senior citizens because they only have only one or two people in their residence so they are not going to be using an 1/8th of what my grandchildren are going to be using because I have a granddaughter and a son in law and three children who live in Penn Hills. I have a grandson, his wife and a child who live in Penn Hills. Now they are going to use a lot more usage than a two household of senior citizens. Their toilets flush probably ten times more than mine, how much more laundry do they do than I do so we didn't feel that that was fair to make the millage because back then everybody has to pay the same so then we said would you of rather have an increase every year or like this have eight years where you didn't have to pay that increase and at every meeting the comment was no matter when you raise the sewage if it is once a year, every two years or whatever we are all going to be back here moaning about the sewer increase anyhow so no matter how you look at it Bob an increase is an increase and what my answer is how do the residents who might not understand this how do you expect Penn Hills to stay within the mandates and free from fines if we don't do this. This isn't something that anybody on this board just said at the spur of the moment well let's raise the sewer increase. We worked on this for nine months. Working out every different table of options. I live in Penn Hills. So does everyone on this board. When an increase comes it affects us but it doesn't affect me as much as it does my two grandchildren with a household of three or five and three of them being children. So this all comes into our decision. It is not like we don't have anything to do this month lets increase the sewage and it is not that we haven't been diligent watching and getting everything done so that we don't get into the position that we were when we were under criminal action. I mean the fine wasn't that much it was only like \$150,000.00 but the attorney fees that came out of the budget when they did this was unbelievable but we have to operate, we have to do what they tell us to do, we still have to televise, so I don't know other than the fact if you get grants which we tried and we got turned down I don't know how else to pay for what we are mandated to do and this doesn't come out of our General Budget, am I right Moe?

Moe Rayan - yes that is correct Mayor. The Sewer Budget is an independent entity.

Mayor Kuhn - we have two different budgets. We have the Sewer Budget and the General Budget. The General Budget cannot take anything out of the Sewer Budget so the Sewer Budget is just that for the sewers of Penn Hills. So I hope that I at least gave some information because unless you are involved in this you don't know anything about it until you get your bill.

Robert Larko - o.k. thank you for your time.

Mayor Kuhn - pardon me.

Robert Larko - thank you for your time.

Mayor Kuhn - thank you Bob and it was nice seeing you again.

Moe Rayan - hey Mr. Larko just for your information there are two charts in the front on the tri-pods they are describing what cost savings that took place for the last eight years for each household and how much was paid to ALCOSAN so that is all defined there.

Robert Larko - maybe if you wouldn't mind if I could get some of the data details behind for the past eight years the annual usage, the average uses for customers and things like that, that would be very helpful.

Moe Rayan - o.k. just let me know when you need it.

Robert Larko - o.k. I will send you an e-mail with the date I was looking for.
Thanks.

Moe Rayan - o.k.

Ed Zullo - 113 Elizabeth Drive - I was listening to you talk about all of that stuff with the sewers and maybe if somebody put together a report or a pie chart where the money is coming from and where it is going and put that on the web site so people could read that they wouldn't be so in the dark about it but I have a couple of thoughts of how we would lower the sewer rates. One of them is nobody else has done the City of Pittsburgh, Braddock, Churchill nobody else has done anything so why are we spending \$2 or \$3 million a year keeping up with it when they are just as responsible. So maybe we should just stop the \$2 or \$3 million a year and I know your company wouldn't like that because

Mayor Kuhn - but like I said EPA is in charge but my argument also and I sent a letter to the EPA and I talked to John Shugart from ALCOSAN and the County, that is what the Regionalization is. These Communities are going to do what Penn Hills did but all of a sudden the Regionalization Penn Hills is going to be putting in most of the money and then they are going to do everything and they are going to get money from all of the Communities but Penn Hills because we have the most households and we are going to put the most money in there. That is really a very very serious situation that we need to have support and like I said and anybody will tell you no matter where I go and meet with Community Places, Libraries and Senior Citizens I keep telling them my voice is very strong but I need the support of other residents because the only thing true politicians listen to is the voters not the Council and Mayor we are five people but we also have the largest number outside of the City of Pittsburgh for people who vote and I told them if you think you are going to come to a parade or come to a picnic and put your arms around some senior citizens and have your picture taken that that is going to be acceptable well it's not because I will tell you what I don't want is to take up

any more time but I am telling you and putting you on notice when it comes I am going to have Town Meetings and all my Fire Companies and I am going to introduce you and tell you to explain to my residents why you were in support of Regionalization with Penn Hills, but Ed there will never be that I don't do what the EPA tells us because that is how we got in trouble and I also asked the EPA why aren't any of these other Communities why aren't they being fined and made to do these instead of just waiting they are waiting for the Regionalization because then they get away and only pay probably 50% and getting the other 50% from this Regionalization Plan.

Ed Zullo - yes but I think you need to look at that in a different way, o.k.

Mayor Kuhn - Ed when that happens do you think these bills are high now. If that Regionalization goes into place you think this is going to be high first of all ALCOSAN is increasing what 17%?

Moe Rayan - it was 11% in 2017.

Mayor Kuhn - o.k. 11% so that is going to be an increase and then we are going to pay this Regionalization.

Ed Zullo - well I think when I talked to Tony DeLuca when he was the Mayor about this at one point and I talked to Arletta Williams .

Mayor Kuhn - I have a note to call her because she knows I am furious and she is a Penn Hills resident.

Ed Zullo - but I have been following this story for ten, fifteen years too. I was at the meetings you were talking about but if we could give our entire system to ALCOSAN and it is a shame that we fixed it all up but if we gave everything to them and we only paid their bill instead of our bill plus their bill and we got rid of our whole sewer department it would end up being cheaper for the people who live in Penn Hills.

Mayor Kuhn - and I agree with you 100%.

Ed Zullo - if you could make that deal?

Mayor Kuhn - we have tried to make that deal of them taking over our system. You are talking to the wrong court.

Ed Zullo - if you would make that deal.

Moe Rayan - we made that argument as far as the debt at the beginning and how that was going to be resolved in terms of who is going to take over the debt if anything is over ten inches so in diameter pipe. We proposed for them to take over some of our plants and the only thing that they are interested in right now is ten inches of diameter

and greater. They are not interested in anything else and just to mention something to you you are talking about us stopping to comply which is not a recommended theory. All the projects that were completed they had a deadline on such a project of upgrade November 30, 2010 etc.

Ed Zullo - you should make a big list of those and put them in a report so everybody can see all the work that has been done.

Moe Rayan - it is available. It is the Consent Order. I have it in my office it is a document about this thick and it tells you all the way up until 2016 the televising and everything. It is not like we decided o.k. that plan doesn't look very good.

Ed Zullo - o.k. I thought we were done with and we were really just trying to keep ahead of it.

Moe Rayan - the new agreement that the Mayor mentioned like everybody in all 83 Municipalities in Allegheny County are suppose to submit an operations and maintenance plan to the EPA Plan and the DEP for their review now they are trusting us to do work on our own but part of that is the continuation of the televising of course that is repairs the upgrades they washed their hands but it is still in place it has to be done. You just can't ignore the system.

Ed Zullo - we are going green infrastructure now so that whole system is going to be pushed back another ten years.

Mayor Kuhn - we have been trying that even prior to the Regionalization.

Ed Zullo - because my bill is \$200.00 a month and I can afford it thank God but I have a tenant in Pittsburgh it is \$50.00 a month so we are paying four times as much as they are in Pittsburgh.

Mayor Kuhn - but the reason why and this is why I say to you Ed when you say the Regionalization is something else it is not. The reason you are paying what you are paying and Pittsburgh is paying what they are paying is because Penn Hills was the first Community that they made do all of these mandates. Now they are saying all the 81 other Communities you have to do the same and then some genius came up with well let's do a flat rate and I

Ed Zullo - I agree with you we should not pay for any of that extra since we did our job except where we tie into their big pipes maybe if they are upgrading that pipe we might have to take some of the cost of that so we have done our turn so now it time for everybody else to do it. So I won't take any more of your time.

Mayor Kuhn - alright Ed thanks. I hope you got some information from this and one thing I will say everyone needs to come to the meetings because anytime that we

did \$7 million dollar projects, \$2 million dollar projects and it was on The Agenda we don't just vote on it in two seconds.

Ed Zullo - I wish you would do storm water projects in addition.

Mayor Kuhn - well thanks that is coming next and that is not going to be any fun either.

Ed Zullo - o.k. thank you.

Moe Rayan - Consent Order and Agreement describes all these projects and is available Ed if you want to take a look at it.

Mayor Kuhn - and like I said the EPA and the DEP those mandates are never going to go away. It is just that Penn Hills now has already done everything so they are not looking at us like they did but the sewer charges and the sewer rates will never go away because of the fact what you did six months ago then you are going to do another section and another section and by the time you are done with those sections you are going to be back to the other section that passed five years ago but isn't passing now. But hopefully like I said we had such small pipes we had pipes that were deteriorating and that is because we are the Eastern Part of the County and we are the older part. So the sewer system was deteriorating underground so hopefully now that we are up to date and we are going to just do more or less the maintenance part of it we will be alright but it is never going to go away no matter who is on this Council because they are making the mandates and still be in place to make sure everyone does continue to do what they are suppose to do. Does anyone else want to speak even though this is expenditures but still we got started on it. I didn't know if anyone else wanted to say anything with the sewer situation because we are all involved with it.

Mayor Kuhn abstained on Check #36744 to Don Kuhn Auto Body for \$600.00 rental and all others yes.

There being no further discussion the motion was approved by a 5-0 vote.

ORDINANCES

Mr. Brodnicki made a motion to approve **Ordinance No. 2017-2593** - amending Chapter 840 of The Codified Ordinances of The Municipality of Penn Hills by revising the time restrictions for Canvassers.

Mr. Underwood seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

RESOLUTIONS

Mr. Underwood made a motion to approve **Resolution No. 2017-008** – awarding a Two year Contract to ABCO Fire Protection, Inc. for Fire Extinguisher Maintenance.

Dr. Kincaid seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Mrs. Sapp made a motion to approve **Resolution No 2017-009** - awarding an Eighteen Month Contract to Industrial Commercial Elevator for A Maintenance and Repair of Elevators at The Municipal Building, Senior Services Center, and The Penn Hills Library.

Mr. Underwood seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Mr. Brodnicki made a motion to approve **Resolution No. 2017-010** - awarding Contract PH-01, General Construction, for The New Government Center and EMS Facility to Walter Mucci Construction at The Adjusted Bid Amount of \$7,871,020.00.

Dr. Kincaid seconded the motion.

Robert Larko - 304 Hamil Road - I just had a question the next two said Adjusted Bid Amount could you just give us a little flavor of what changed?

Moe Rayan - Mr. Larko if you look in the back of The Resolution you will PH-01 General Contract you will see the GC Deducts that were presented 1-6 and if you add all of these together and take the actual bid price it will be \$8,240,000.00 now the deducts removes each item from that particular price to arrive at an adjusted price based on the alternates that we removed. All were removed with exception to Alternate #2.

Robert Larko - thank you.

Moe Rayan - you are welcome.

There being no further discussion the motion was approved by a 5-0 vote.

Dr. Kincaid made a motion to approve **Resolution No. 2017-011** - awarding Contract PH-02, Mechanical Systems, for The New Government Center and EMS Facility to East West Manufacturing & Supply Company, Inc. at The Adjusted Bid amount of \$1,329,000.00.

Mr. Underwood seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Mr. Underwood made a motion to approve **Resolution No. 2017-012** - awarding Contract PH-03, Plumbing and Fire Protection, for The New Government Center and EMS Facility to Wheels Mechanical Contracting & Supplier, Inc., in The Total Bid Amount of \$1,039,500.00.

Mrs. Sapp seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Dr. Kincaid made a motion to approve **Resolution No. 2017-013** - awarding Contract PH-04, Electrical Construction, for The New Government Center and EMS Facility to Bronder Technical Services, Inc., for a Total Bid Amount of \$1,375,875.00.

Ed Zullo - 113 Elizabeth Drive - I am not sure that this is the appropriate time to talk about this but if not I will come back another time. When I used to walk around the Old Penn Hebron School Building there was a giant chimney and the chimney there are these little birds that are a migratory species they used to fly and live in that chimney. Unfortunately when they tore down the school all the roosting place for the migratory chimney swifts was destroyed now I would like if you could give me some space on the site to build another replacement structure called a Chimney Swift Tower if you would have a little space for that. I could probably get the funding for it. There is a book called Chimney Swift Towers that I sent away for and got one of them and they built a lot of these things around Beechwood Farms, the Audubon Society has a program they will pay for building these things so I was just wondering if there was a spot we could set aside about ten square feet or something. Just to keep that in mind.

Mayor Kuhn - With all the property that is out there I don't think there would be a problem with that Moe do you? We could ask the Architect where he would like it to be placed.

Moe Rayan - we can take a look at it, Ed if you give that for us to look at. I don't know how it is going to interfere with the radio systems, three way frequency for the police radios and EMS and so on .

Ed Zullo - I can show you what they look like.

Mayor Kuhn - like I said Moe if you could look into it I would appreciate it.

Moe Rayan - I will look into it.

Chris Blackwell - Mayor it is my understanding I don't know if you know this Ed that there is one at the Elementary Center. Are you aware of that, or maybe we need more.

Ed Zullo - yes I was doing a little research before I came here today and I found a news article from the school, a scout did his Eagle Scout by putting one of these things up at the new elementary school.

Chris Blackwell - maybe that is something that could be done here.

There being no further discussion the motion was approved by a 5-0 vote.

Mr. Underwood made a motion to approve **Resolution No. 2017-014** - awarding Contract PH-05, Security System, for The New Government Center and EMS Facility to Horizon Information Services for a Total Bid Amount of \$178,152.00.

Dr. Kincaid seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Mrs. Sapp made a motion to approve to **Resolution No. 2017-015** - awarding Contract PH-06, Low Voltage Structured Wiring System, for The New Government Center and EMS Facility to Horizon Information Services for a Total Bid Amount of \$134,000.00.

Mr. Brodnicki seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Mr. Brodnicki made a motion to approve **Resolution No. 2017-016** - awarding Contract PH-7, Audio/Visual Systems for The New Government Center and EMS Facility to Horizon Information Services for a Total Bid amount of \$199,000.00.

Dr. Kincaid seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Dr. Kincaid made a motion to approve **Resolution No. 2017-017** -awarding Contract PH-8, Furniture Delivery and Installation for The New Government Center and EMS Facility to Work Space Solutions, LLC, for The Total Bid Price of \$232,409.44.

Mr. Underwood seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

Mayor Kuhn - The next Resolution I am going to ask for we had Tabled, I believe at the last meeting, is that correct?

Dr. Kincaid - that is correct.

Mayor Kuhn - o.k. now we have to make a motion to take it off the Table, am I correct?

Craig Alexander - that is correct Mayor.

Mayor Kuhn - do I have a motion to take **Resolution 2017-018** off The Table?

Mr. Underwood made a motion to take **Resolution 2017-018** off of being Tabled.

Mr. Bronicki seconded the motion.

Mayor Kuhn - since the motion was made and second now we will need a Resolution now this is where I get confused Solicitor, just make the regular, o.k. Do I have a Motion for **Resolution No. 2017-2018**.

Mr. Underwood - Mayor Kuhn I do have one question, the last time that we had this and it was Tabled we had the **Resolution 2017-006** now there is a new one.

Mayor Kuhn - what we should have done was taken the old number off, is that correct Craig?

Craig Alexander - I think we should use the number that they have assigned to it today.

Mr. Underwood made a motion to approve **Resolution 2017-018** - approving The Transfer of Pennsylvania Liquor Control Board License No. R-1243 into The Municipality of Penn Hills from North Versailles Township.

Mr. Brodnicki seconded the motion.

Mayor Kuhn - before I ask for any comments from the audience I just wanted to ask Chris, Chris this was advertised the way that it should be and this is the Public Meeting, is that correct? I think it is supposed to have two advertisements and one Public Hearing?

Chris Blackwell - yes that was done.

Mayor Kuhn - and that was done?

Chris Blackwell - yes.

Mark Kozar - I am with the Law Firm of Flaherty and O'Hara and I am here tonight representing Giant Eagle and with me is Dani Kazinko who is General Counsel with Giant Eagle. As I said I am with the Law Firm of Flaherty and O'Hara I always like to plug our firm when I do these hearings. Our practice is Liquor Law and Liquor Licensing. We do it throughout the State of Pennsylvania and Nationally. The reason that we have made this request goes back to Act 39 which was passed by the General Assembly in Pennsylvania in June of last year and went in to effect on August 8th and it makes monumental changes to the liquor code quite frankly it made more revisions to the liquor code than it has made since the Abolishment of Prohibition in 1934. First and perhaps foremost the legislature restated the purpose of the liquor code and it is worth reading a portion of it to you. It is the purpose of this Act reformed the system which alcohol is dispensed and controlled within this Commonwealth to reflect changes in the marketplace while continuing to protect the welfare, health, peace and morals of the citizens and also to provide the operation of a retail system that promotes competition and convenience to the residents of this Commonwealth. Now one of the big changes in Act 39 had to do with what was known as the Liquid Fuels Prohibition. There were a couple sections of the liquor code that prohibited the sale of alcohol at the same place, property or location as the sale of liquid fuels. In other words gasoline. The PLCB interpreted that provision to mean that so long as you did not pay for gas on the license premises or store gas on the license premises they would approve the liquor license and they approved a number of those liquor licenses under the old section probably in the neighborhood of 300 grocery stores and convenience stores were approved however there was a group called the Malt Beverages Distributors Association who took umbrage with PLCB and filed a number of law suits against Sheetz, Giant Eagle, Giant Grocery Stores because they all had gas pumps in close proximity to where their license premise where. That litigation made its way up to the State Supreme Court they lost the Common Wealth Court level and filed an appeal to the State Supreme Court and it was while this case was pending before the State Supreme Court that Act 39 was enacted and that point in time the State Supreme Court looked at the new language of Act 39 with respect to Liquid Fuels and said the case is moved the PLCB position on this in essence was put into law in Act 39 so as the law stands today so long as you don't pay for gasoline on the license premises there is no violation of a liquid fuels prohibition. The second major change of Act 39 was that now all restaurant and hotel licenses can apply for what is called a Wine Expanded Permit which allows licenses to sell up to four bottles of 750 ml of wine to go. It is based on these changes in the law that we filed this application and Giant Eagle is planning to remodel its GetGo here in Penn Hills to add seating so they have seating for thirty in their store. The fundamental requirements to qualify as a restaurant liquor license and a liquor code is that you must first have seating for thirty, food for thirty and a minimum of 400 square feet. This GetGo would qualify for all of those. Before the law changed and since the law changed Giant Eagle has had forty three Giant Eagle Grocery Stores licensed and sixteen GetGo locations licensed. Now you have to remember that Giant Eagle has over 200 grocery stores and 190 GetGo stores in five states and the majority of those GetGo's and Grocery Stores in other states all hold liquor licenses. So Giant Eagle isn't

a novice or new to the sale of alcohol by any stretch of the imagination. Now respect to the GetGo here in Penn Hills the restaurant will be open Monday through Saturday at 7:00 AM until midnight when the store closes and Sundays 9:00 a.m. to midnight when the store closes. Beer will be offered during those hours. We will be applying for a Wine Expanded Permit under the statute all wine sales must cease at 11:00 p.m. every day. There will be a dedicated restaurant manager who in addition to Giant Eagles internal alcohol server training will receive what is called RAMP Training and RAMP Training and it stands for Responsible Alcohol Management Program which was developed by the State Police Bureau of Liquor Control Enforcement. It is required now under law that all managers of every license location receive RAMP Management Training. It also requires anybody who is employed after 2016 to receive RAMP Server Training so all the GetGo employees will receive RAMP Server Training in addition to Giant Eagles Internal Training. Giant Eagle has a 100% carded policy. Everybody gets carded by a way of a card scanner. The card scanner device is in addition to checking customer's age and also to detect altered or fraudulent ID cards. In addition Giant Eagle has a self imposed two beer limit for our presence consumption which also requires a purchase of food. With respect to security Giant Eagle has somewhere in the neighborhood of twenty rotating security cameras that cover the whole store and the gas pump area. At this store they also have an onsite security guard who is on duty from 6:00 P.M. to 1:00 A.M. until all employees have left the building and then he secures the building. This is not going to be the type of place that people come to hang out and drink. There is a two beer limit with food purchase, there is no entertainment in the form of video games, pool tables or pin ball machines. There is no smoking. It will be a well lit safe secure place where customers of which many of them will be women who can purchase prepared foods, a six pack of beer or a bottle of wine to take home. Giant Eagle is a responsible owner making a significant investment to be protected by responsible management and well trained employees. They are going to spend somewhere over three hundred K to revamp this store. So for these reasons we would ask that you pass the Resolution that you have before you permitting the transfer of the license to Giant Eagle for use at their GetGo here in Penn Hills. If you have any questions, I would be happy to answer them and if I can't I am sure Dani can.

Mr. Underwood - question. May I see the architectural drawings of this new facilities please? We have none at this point.

Attorney for Giant Eagle brought up drawings and showed to Mayor & Council.

Mark Kozar - as I said the cold beverages is going to move back substantially to permit the additional seating. The beer will be in the coolers to the left on the left hand side. There will be warm beer on the far side towards where the kitchen area is where you order your food.

Mr. Underwood - question. So therefore the sodas they are on the left hand side where the coolers are that you are talking about so most of that will be eliminated just for beer, is this correct?

Mark Kozar - it won't be eliminated it will be moved down into the coolers. There will be some consolidation of items.

Mr. Underwood - also in the middle then the food products, o.k. will be pushed or eliminated away because you are moving everything back toward the food area, is this correct?

Mark Kozar - there will be some items eliminated.

Mr. Underwood - some items you have to be more specific and not so vague. That is a number anybody can throw up in the air. Let's be more specific please.

Dani Kazinko - I am with Giant Eagle. We actually we have done this in ten Get Go locations around the Pittsburgh Area recently.

Mr. Underwood - I need this one though.

Dani Kazinko - o.k. so we actually haven't eliminated we only eliminated very few items. We have daily deliveries to our GetGo Stores so what we are doing is just condensing the amount of space that is dedicated to each item and delivering more often.

Mr. Underwood - The physical size of your building right now?

Dani Kazinko - will not change.

Mr. Underwood - oh. So you are going to have thirty seats you are moving these products around o.k. you are still going to have the car wash and coming out of the one side o.k. you are not suppose to go to the left down the road. You are suppose to make a right on Coal Hollow. Also what you have not mentioned to the public also in walking distance from this station behind the pharmacy there is also a beer distributor who also has six packs to go. Have you mentioned that to the public? Have you also put a sign in this store from the LCB the orange sign, no that does not exist.

Dani Kazinko - we do not put the orange sign. This is the first step in the process so the first step in the process

Mr. Underwood - have you notified anyone in the neighborhood, including the church, including the beer distributor have you notified them, I say no you have not. So let's put everything out on the table for everybody here. Let's not choose what information you want out there.

Mark Kozar - can I answer your questions?

Mr. Underwood - sure.

Mark Kozar - there is nothing in your Municipal Codes that requires us to notify neighbors, there is nothing the PLCB Code that requires us to notify neighbors. We haven't filed with PLCB. This is the first step. We cannot file an application with the PLCB until we get a Resolution from you permitting the transfer. That is when you will see the orange sign go up. The orange sign is the public notice that a liquor license is being transferred to that location. At that point in time if anybody disagrees with that they can file a protest with the PLCB. The PLCB will hold a hearing on that. There is no Municipal requirements to notify neighboring properties and there is no requirement under the liquor code to notify neighboring properties.

Mr. Underwood - so I am getting the impression you do not want to be good neighbors because you don't want to talk to them, you want everything concentrating on yourself.

Mark Kozar - that is absolutely not true. We are complying with the law. What more should we do than comply with the law?

Mr. Underwood - that is a technicality, but you didn't answer my question. You are getting it on a technicality . If you want to be a good neighbor you talk to your neighbors. I know I do. I did when I first moved in. Again it is a one way stream. You have to talk to the beer distributor.

Mark Kozar - we have no obligation to talk to the beer distributor.

Mr. Underwood - this is probably true you may not but again that tells me you don't want to be friends with anybody it is again a one way street.

Mark Kozar - no it is telling you that we have complied completely with the Penn Hills Ordinances and the Pennsylvania Liquor Control Ordinances.

Mr. Underwood - again a narrow straight threat you want to stay on and you don't want to get away from that.

Mark Kozar - it is called the law.

Mr. Underwood - one way street.

Mark Kozar - it is called the law, sir.

Mr. Underwood - Giant Eagle, it is a Giant Eagle one way.

Mark Kozar - that is your opinion, you are entitled to it.

Mr. Underwood - it is a fact.

Mark Kozar - it is an alternative fact.

Mr. Underwood - you don't want to be a good neighbor, that is a fact. It is plain and simple.

Mark Kozar - it is an alternative fact.

Mr. Underwood - once we have numbers here of the problems in the neighborhood

Mark Kozar - and I think I have set forth all the security. There is not another liquor license in Penn Hills that has as much security as we have or will have at this store.

Mr. Underwood - will have 64,000 it is a will.

Mark Kozar - go down there right now and you will see a security guard there down there.

Mr. Underwood - if I told you I was down there today and I did not see any security and I walked through the whole store

Mark Kozar - what time . In my presentation I said Security Guard starts at 6:00 P.M. and he is there until 1:00 A.M.

Mr. Underwood - I did not see any person in uniform.

Mark Kozar - of course you didn't he is was not on duty then.

Mr. Underwood - what at 12:30 at lunch time?

Mark Kozar - correct.

Mr. Underwood - it was after lunch I am sorry.

Mayor Kuhn - o.k. Gary do you have any other questions pertaining to it?

Mr. Underwood - no.

Mayor Kuhn - the question that I have is the church is very close to GetGo so I was wondering if there and I am not an attorney I am a lay person so I am asking what is the restriction as to how many feet away I know there is so many feet from a school but what is it for a church?

Mark Kozar - it is the same distance from the school as a church - it is 300 feet.

Mayor Kuhn - and how far of a distance does it have to be?

Mark Kozar - 300 feet.

Mayor Kuhn - is this 300 feet away?

Mark Kozar - I don't know I haven't measured it.

Mayor Kuhn - well we have to find that out before we could do anything.

Mark Kozar - well that is not actually a reason that you can use to deny the transfer. It is a reason the PLCB can.

Mayor Kuhn - well I don't agree with that I mean the fact if there is 300 feet from the establishment to a school and three hundred feet from the establishment to a church when you gave this presentation I think that should have been part of the presentation to give to Mayor and Council so we could make a judgment. Now I mean other than the fact of us, I disagree respectfully because of the fact if we agree with this then what you are saying is it is up to the LCB to make that judgment well the first step before you go to the LCB is the Municipality.

Mark Kozar - I understand that.

Mayor Kuhn - so as the Municipality I am not myself going to vote for something if I know under the Liquor Control Board rules it is in violation.

Mark Kozar - it isn't a direct violation. It is called a Restrictive Institution and

Mayor Kuhn - I am going to defer that to my Solicitor.

Mark Kozar - the PLCB on every license application an agent goes out and he looks for three different things. He looks for other licenses within 200 feet, churches, schools those types of things within 300 feet and residents within 500 feet. They note it on their report.

Mayor Kuhn - I don't mean to interrupt but you are saying that the LCB comes out but what I am saying is if someone who is presenting this Liquor License to be transferred into our Community and this is the first step that you take before it goes to the LCB then I am saying when the Council who is going to make this decision asks if it is within 300 feet and you knew that is a restriction I think that that should have been presented to us.

Mark Kozar - I had no idea that there was a church anywhere nearby.

Mayor Kuhn - but the thing of it is if you are asking for this

Mark Kozar - the point I am trying to make is that is a determination to be made by the PLCB that is not a determination to be made by you.

Mayor Kuhn - this is where I disagree with you. I am sorry if this is upsetting to you, but do you live in Penn Hills?

Mark Kozar - no I do not.

Mayor Kuhn - no you don't. Now a transfer of a liquor license is a very serious decision for the residents of Penn Hills. You are presently for Giant Eagle as their spokesperson that you want the first step because if you don't get our first step then you don't go to the LCB. So you are asking Penn Hills to give an approval and I asked a simple question and you are saying to me well that doesn't matter because you vote on this without that knowledge and then leave it up to the Liquor Control Board. Well that is not how we do things in Penn Hills. Whether you think we are not this lay person and we don't know the law and what have you perhaps we don't and I never claimed that we do but I do know that this Mayor & Council is going to vote for a denial or for approval and unless I have the information which in this case is very important because of the fact if it says three hundred feet to the church it has to be somewhere if you know that then it has to be somewhere in the approval of this that you as an attorney over me should know number one and number two if not that you say you didn't measure it then Giant Eagle when you are asking for this then you need to present the information to the board who is going to vote on this. Now you might be in disagreement with me and it is alright to disagree but we don't want to be disagreeable. I mean to see eyes go up and that when I am asking a question that I believe is very relevant.

Mark Kozar - I just want to state it again. The Liquor Control Board statute talks about the three hundred foot rule. They enforce the three hundred foot rule if a church or a school or another licensee or a resident would file a protest.

Mayor Kuhn - why would you think that being said that this board should make a decision when that information is now known at the present time.

Mark Kozar - do you want to table it and we will go out and measure it and come back next meeting, I would be happy to do that?

Mayor Kuhn - well myself I don't speak for my Council I never did but I do not know how as a legal consultant to Giant Eagle who knew this statute wasn't presented to Mayor to Council you are asking us and I am not being disrespectful to you and I would prefer you not to be disrespectful to me. By your body language and your facial expressions you are. I am asking a simple question and you didn't have an answer.

Mark Kozar - my answer is I have done nearly six hundred of these Inter Municipal Hearings since 2001 and I have never had a Municipality they have asked the questions but they have understood that it is a matter for the PLCB. It is not a matter for the local Municipality.

Mayor Kuhn - I don't know what Municipalities you have dealt with and I don't know and that is your opinion which you have a right to have but as far my opinion you are asking me to tell the LCB that we as a Council are o.k. with this transfer even though at our meeting which is being recorded and has been told to us that it can't be approved if it is three hundred feet to the church and we are suppose to vote knowing that and assume that someone from the LCB will know there was a church there. You say you didn't know it and I guess Giant Eagle either didn't know it or didn't give you that information so what makes me feel safe that someone from the LCB will know that but that is just an opinion.

Mark Kozar - the LCB will definitely know that. They send an agent out to the location and take measurements.

Mayor Kuhn - if you have done as many as you said then I would think that that information would be knowledgeable to you and that you would tell your client that you represent is there a church or a school within three hundred feet.

Mark Kozar - it has never been an issue at a Municipal Level. It has been an issue with the PLCB and we have worked around it.

Mayor Kuhn - well it is an issue for me so let me consult with my solicitor. O.K. then you had said that you would table this and then have that measured and then bring that information back to us. Now as a representative to Giant Eagle are you waiving that 45 days.

Mark Kozar - absolutely.

Mayor Kuhn - o.k. then that is what we will do. When we hear from you on the distance from the church to the location of GetGo then we will take it off the table and we will go again. Alright.

Mark Kozar - that works for me.

Mayor Kuhn - Do I have a motion to table?

Dr. Kincaid - I can make that motion Mayor Kuhn however for the Attorney I had two other questions.

Mayor Kuhn - o.k. then that way anyone who has any other questions so that he can let his client know that we need these addressed. Go ahead Dr. Kincaid.

Dr. Kincaid - o.k. before I make the motion Attorney thank you very much for your wonderful presentation we all are very familiar with this location we saw it when it was another location and then they tore it down and built the GetGo and many of the facts you stated I do know personally and I appreciate them but for your company you represent my son he works for that company he is actually the one that installed many of those security cameras etc. My question is I agree with Mayor Kuhn in regards to the church situation which is big as day everyone in this room has seen that church a million times and it is in proximity to that location. Number two I don't know if your company you represent is aware of and Councilman Underwood brought it up there are some real safety hazards related to that location. It is a five intersection, is that the right way to say that, five (in audible too many people speaking at once) intersection there are really some safety hazards there and number three and I guess I have to refer this to Chris relevant to this is not a brand new location but it is going to be a new manifestation is there a code regarding parking spaces. I mean I am not sure everybody who comes to consume the beer will sit down and thirty spots some might be walking people some of those will be parking people.

Mark Kozar - In Giant Eagles experience with our other stores and GetGo licenses most people come in buy some food buy a six pack and leave.

Dr. Kincaid - you are talking thirty seats, thirty people sitting and that is a very small piece of property there. It is very crowded. Is there a code relevant to parking spaces?

Chris Blackwell - the building has to meet a parking requirement regardless of what is in it. It is a B-2 business and so based on the square footage it would have to have parking approved for that building and it was previously approved many years ago in a sight plan.

Craig Alexander - but there are two businesses there. Isn't there the convenience store business and the restaurant business?

Mark Kozar - well yes part of the building is licensed premises and part of it is unlicensed premises.

Mayor Kuhn - going back to my planning days isn't it 1-1/2 spaces per

Chris Blackwell - it is one per every two hundred square feet.

Mayor Kuhn - oh is that what it is.

Chris Blackwell - and I am not aware of it having to change as a result of this I could certainly look into that also if you want.

Mayor Kuhn - right if you could look at that because I know that any business you have to have a certain number per person and with this being that you have now a restaurant plus a convenient store and a gas station I think we need to have that information Chris.

Chris Blackwell - certainly that is fine.

Mayor Kuhn - thanks.

Dr. Kincaid - thank you very much Mayor Kuhn and thank you attorney.

Mark Kozar - you are welcome Dr. Kincaid.

Cathy Sapp - Mr. Kozar, I have two questions for you. At what age does Giant Eagle hire their employees?

Dani Kazinko - All GetGo employees are at least 18 years old.

Cathy Sapp - o.k. and they are required to take the RAMP Training also, correct?

Mark Kozar - yes.

Cathy Sapp - o.k. and then my second question is you said security comes in at 6:00 P.M. and the hours of operation which will allow you to sell liquor are 7:00 A.M. to midnight so why does security come in at 6:00 P.M.?

Mark Kozar - that is a time period 6:00 P.M. to close would be the time period where they if there was going to be a problem that would be the time period there might be a problem.

Cathy Sapp - thank you Mr. Kozar.

Dr. Kincaid - I will just piggyback on that we are very familiar attorney with all due respect probably more than you can image is the security hours the same on Sundays as they are other days?

Mark Kozar - correct.

Dr. Kincaid - so that means there is no security during the day?

Mark Kozar - until 6:00 P.M. correct.

Dr. Kincaid - o.k. thank you.

Gary Underwood - If I was to tell you today at that station at 12:30 I had to park at a pump no other spot was available now you take thirty people o.k. if you get a liquor license add thirty more people to try to park in that area it was busy if I was to tell you that where are you going to put the extra thirty people. They are just not going to take a beer and drink it and run, no way it doesn't happen. They are going to sit down and correct me if I am wrong they do have to purchase food.

Mark Kozar - for alcohol consumption, yes.

Gary Underwood - where is this all going to happen on the present property without trying to expand the lot and there is no way to expand that physically. I guarantee you that.

Mark Kozar - as I said before, yes it has been based on their prior experience they have not seen an influx of people coming in to sit down and drink beer.

Gary Underwood - and they don't know what they are doing I guarantee you that too. That is what you are hearing from them. You did not see it physically you are getting here say.

Mark Kozar - here is somebody that has seen it.

Dani Kazinko - I work for Giant Eagle. I handle all of our liquor licensing across five states. We have seating areas in many many of our GetGo's across many states. All of GetGo's in all of our states except Pennsylvania until this new act was enacted sell alcohol. We see very very little alcohol for on premises consumption. We don't have a bar, we don't have a bar tender, we don't advertise that we have on premises consumption. You would have to know that we sell for on premises consumption. You would go to the cooler take a single beer bring it to the cashier then the cashier would then open it for you and to do that you would be required that you buy a food item. We see very little on premise consumption at any of our GetGo's. We currently have sixteen GetGo's now open in Pennsylvania. No one wants to go to a GetGo and sit and drink. It is just not the type of place that you do that. We see much more just convenience for our existing customers who are coming in, they are buying a sub, they are buying a bag of chips and they are buying their beer or a bottle of wine to take home.

Mayor Kuhn - so what you are saying is before it was a minimum of two and they had to purchase food.

Dani Kazinko - it is a maximum of two so you can't

Mayor Kuhn - oh I am sorry it is a maximum of two but they have to buy food but if they want to come in

Dani Kazinko - they come in and they can buy anything and buy a six pack and leave with it the two beer maximum is for on premise consumption.

Mayor Kuhn - o.k. so it is on site.

Dani Kazinko - correct and we see very very little of it. You can go to a number of our locations around. I invite you to come any of our locations that are currently selling alcohol. We can send you a list.

Mayor Kuhn - I was just in the new one when this came up. There is a new GetGo that just opened in Verona and I see that they do sell the beer and the wine.

Dani Kazinko - yes we do.

Mayor Kuhn - but that being said has there been any study on the traffic because what I think some of the Council people were trying to get across was like down in Verona there is two egress and ingress. One is on Allegheny River Boulevard and the other is on Center. So that is only two. But when up at the location Giant Eagle is applying for now which is Coal Hollow and Frankstown you have several road ways. Like I said GetGo has Allegheny River Blvd in the front and Center Avenue to the side. You have Beulah Road coming up, you have Frankstown, Lime Hollow and there are two other ones.

Moe Rayan - Laketon.

Mayor Kuhn - Laketon, right so that is a bottleneck for traffic. So that is I think what some of the concerns is with the Council is because of the fact that those roadways are a nightmare to begin with. So that is what a large concern you know because of the traffic and the other is that we did receive at our request from the Chief of Police the safety factors of this, we are talking about security and he gave us a rundown of GetGo, Walgreens and CVS and that is the three on the three corners and for Robbery GetGo had 3, Walgreen 1, and CVS 2. Assault and fighting GetGo had 17, Walgreen had one and CVS two, narcotics violation GetGo had seven, Walgreen had 2 and CVS had two and for disorderly conduct, GetGo had 7 and the other two had none, for public drunkenness, GetGo had 4, Walgreen had one and CVS had zero so all of these concerns are concerns for this board because of what we have at present and that is not with any alcohol sales. So that is why we are asking the questions that we are asking.

Dani Kazinko - we are happy to answer your questions.

Mayor Kuhn - that is coming into play and like I said it is not that we are being hostile because of the fact I have relatives in the South and you go into any grocery store and you can buy any type of wine that you want to buy but the other question is is there a reason that Giant Eagle doesn't do it in the grocery store? Is it because Pennsylvania doesn't permit that instead of the gas stations?

Dani Kazinko - we do do it in many of our grocery stores and the law use to require that we had a separate exterior entrance and that was recently changed so it no longer requires a separate exterior entrance as long as the unlicensed premises is open as long or longer than the licensed premises and we are looking at all of our locations across Pennsylvania. We have twelve additional supermarkets that we are looking at and many other and then this year we are looking at all of our locations.

Mayor Kuhn - I was just wondering because of the fact with it being a gas station nine times out of ten someone is coming in to buy gas and then if they go in and buy beer or wine and then they pull out you are not allowed an open in your car so that is why I was wondering why they weren't doing it more in the grocery than at a gas station because that could be

Dani Kazinko - no matter where you go if you go to pick up your six pack at a pizza shop or the beer distributor you are driving to get there for the most part.

Mayor Kuhn - o.k. I think that we would need or at least I would need definitely the footage between the church and GetGo and secondly the security like I said is a problem already and not going into specifics but there is a large problem with drugs up there too so that is why the security is very important for that area. Like I said these are actual statics of the problems and as you can see GetGo has four, seven, one, seven, seventeen, three where CVS has two, two, one, zero, zero, zero and they are in the same area so being that they are on the same corners more or less and they Walgreen and CVS are very small like Walgreen has all ones and CVS and has two and one and then you have GetGo at this point with like three, seventeen, seven, seven, four so there already is a security problem.

Mark Kozar - may I ask a question? What time period is that for?

Mayor Kuhn - we will find that out for you but it really doesn't matter because it is the same time frame for all three.

Mark Kozar - understood but it may predate when GetGo started having the security guard there.

Cathy Sapp - Mr. Kozar it is not a particular time period it is all day activity.

Mark Kozar - understood, but if all that activity predates when GetGo put a security guard on there that might change things.

Cathy Sapp - you would need to have a security guard there at 7:00 A.M. when it opens.

Mark Kozar - I think that the other thing that we would have to look at with those numbers is what time of day did they take place.

Cathy Sapp - and I am telling you as a resident and as a consumer of that particular location you need security all day, thank you.

Dr. Kincaid - I can answer that question about the security guard if that is your quarry if I remember like I said my son worked in that area and that security guard has been there for at least four years.

Mark Kozar - I don't know that.

Mayor Kuhn - and to answer your question the Chief said that he reviewed the calls for service at each establishment for the past five years.

Mark Kozar - so that is for five years.

Mayor Kuhn - so that is for the past five years.

Gary Underwood - I do have one more question. O.k. there is a Giant Eagle at Robinson Blvd and a gas station why didn't they pick that store and why did they pick this GetGo? That store has bigger property and that could be easily handled.

Dani Kazinko - it is just the matter of the resources and where we would likely be asking for both of them. The resources to remodel that store is much more expensive to remodel a supermarket. That isn't one of our priorities right at the moment we are looking at all of our supermarkets that currently do not sell alcohol in Pennsylvania.

Gary Underwood - our point is we have priorities that are bigger than Giant Eagle and GetGo but again don't play with other neighbors we just want it our way.

Dani Kazinko - I argue that, Giant Eagle is a very good neighbor. We are a very good neighbor and I am sure that your law enforcement will tell you that we comply with law enforcement and we do everything we can to assist law enforcement. We provide videos we do everything that we can we spend a lot of money in the Community donating to various causes all around the City of Pittsburgh in all our markets.

Gary Underwood - trust me I can nitpick Giant Eagle anywhere you want especially Rodi Road.

Dani Kazinko - anyone can nick pick any business so.

Gary Underwood - and the police reports will point it out. A Fire lane. Nobody is a loud in a fire lane. But the bank who wants to drop off monies to the Giant Eagle they will park right there and take their money in. Does Giant Eagle tell them no this is a fire lane it is illegal no they don't do that they don't care, they don't care.

Moe Rayan - Mr. Underwood our Fire Marshall handles that.

Gary Underwood - yes but he can't watch the guys down there 24/7 and that is what it needs.

Mayor Kuhn - The Manager had a question for you.

Moe Rayan - this is a quick question for Mr. Kozar - relative to the 300 feet requirements by the LCB for a church assembly or school is that measured from curb side?

Mark Kozar - no.

Moe Rayan - o.k. well I have one of the folks in the audience shaking their heads that is why I am saying.

Mark Kozar - it is measured from the door of the licensed premise to the other properties usable property not the property line.

Mayor Kuhn - You are saying the door to the establishment to the door of the church?

Moe Rayan - property line of the church.

Mayor Kuhn - property line of the church.

Mark Kozar - it depends. Usable space. If there is a 100 yard lawn you don't have that.

Moe Rayan - right. Well the reason I am saying that the parking lot or new developed parking lot for the church is within the right of way of the Frankstown Road itself so most likely you are going to be within the three hundred feet. Just from taking the Right Of Way of Frankstown Road it is probably about a 100 foot right of way.

Mark Kozar - the parking lot is in the right of way? The parking lot is on the road?

Moe Rayan - 3 feet in from the curbside.

Mark Kozar - we will be able to figure it out.

Mayor Kuhn - any other questions for the applicant, are we done with that? Alright now I am going to make a motion to have it tabled, is that correct Solicitor?

Craig Alexander - yes.

Mayor Kuhn - o.k. I request a motion for this to be tabled.

Dr. Kincaid - so moved.

Mr. Underwood seconded the motion to table.

There being no further discussion the motion was tabled for a vote of 3-0 to get tabled.

Mayor Kuhn - so for the record we are going to table this for the next meeting after we get all the information that we have asked for from the applicant. And the applicant has noted that they are willing to waive the forty five day period, correct?

Mark Kozar - absolutely.

Mayor Kuhn - alright.

Mark Kozar - thank you.

Mayor Kuhn - you are welcome.

REPORTS

Mayor Kuhn - I do know that Mrs. Sapp had made a notation after the last meeting that we did receive information from ALCOSAN on a Program Cathy, do you want to go over it yourself again because I don't think it was discussed at the open meeting. I know that ALCOSAN has a program to help low income families to help them with their sewage charges and they did send us a memo on it and Mrs. Sapp had brought it up and I don't like to put this on you but I did want them to know Cathy that this was your idea to bring this to the public. So if you want to go ahead.

Cathy Sapp - yes. I don't have the flyer in front of me but ALCOSAN is offering a Grant to help low income families with the sewage rate. So it is posted on our web site so if you know of anyone or you yourself need help or assistance on your sewage bill ALCOSAN is definitely offering assistance in that area. Again it is posted on the web site you can feel free to come up, Chris do you have that information?

Chris Blackwell - I don't.

Cathy Sapp - o.k. it is posted on the web site however or you can call Moe and he will give you the information but again ALCOSAN is offering assistance so if you yourself needs help or you know of a neighbor please feel free to give us a call or look on the web site. I think it is a great thing that ALCOSAN is doing.

Mayor Kuhn - thanks Cathy. Moe it is on our web-site, correct?

Moe Rayan - correct and Chris is looking it up right now.

Mayor Kuhn - I have one other thing while you are looking for that Chris. I did receive memo from a Jessica Perez and it is regarding taking place during the month of April for Earth Month and they are asking all of the Mayors across the Nation to challenge their residents to conserve water, energy and other natural resources. There is an on line if you want to go on there for more information and it is simply easy to do pledges on line throughout the month of April to conserve water and energy and includes taking a shorter shower, waste less food, recycle and when you go on the web site they want you to enter a brief statement of support for the National Mayors Challenge 2017 and last years the residents in 41 cities participated and made over 400,000 pledges to conserve our precious resources. Ed I don't know if you would like a copy of this because I know that this is very important to you so even if you want to give it out to some people.

Chris Blackwell - the flyer is on our website.

Mayor Kuhn - alright.

Mrs. Sapp - to our audience it is on the website and it is called ALCOSAN's Clean Water Assistant Fund Program and what they will do under the program a credit of \$30.00 will be applied every three months to the account of an eligible customer. So it is not just for Penn Hills residents it is for all 83 Municipalities so please you are concerned about all of our senior citizens and people who just can't afford so spread the word.

Mayor Kuhn - thank you very much.

ADJOURNMENT

Dr. Kincaid entertained a Motion to adjourn.

Mr. Underwood seconded the Motion.

Mayor Kuhn - thank you all for attending.

The meeting was adjourned at 9:37 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY