

July 7, 2008 Council Meeting Minutes

The July 7th meeting of the Penn Hills Council was called to order at 7:40 p.m. in Council Chambers of the Municipal Building, Mayor Anthony L. DeLuca presiding.

Approval of Agenda Items

The Mayor announced that Item No. 9.a. Appointments was being deleted from the agenda. There were no other changes and the agenda was approved as amended.

Pledge of Allegiance

Council and the audience stood for the Pledge of Allegiance.

Roll Call

Roll was called and the following members of Council responded:

Present: Mayor DeLuca
Dr. Kincaid
Mrs. Kuhn
Mr. Palumbo
Mr. Underwood

Also present were: Manager Van Horne, Solicitor Brimmeier, Gateway Engineer Minsterman, Finance Director Schrecengost, Planning Director Davidson and Deputy Clerk Fitzhenry.

Presentation

Proclamation – Relay for Life EAST – July 12-13, 2008

Mayor DeLuca read a proclamation regarding the Relay for Life EAST at Penn Hills High School Stadium to be held July 12-13, 2008. After reading the proclamation into the record, he presented the proclamation to Deputy Clerk Fitzhenry who serves as the Publicity Chair for the event.

Excellence in Construction –Penn Hills Library

Manager Van Horne announced that Mr. Moe Rayan attended the Annual Excellence in Construction Awards Dinner on behalf of the Municipality and Penn Hills was a two-time award winner. The first award was the 2007 General Contractor Institutional Award of Excellence (Eagle) and the second award was

Presentation (Continued)

Excellence in Construction (Continued)

the General Contractor Institutional Award of Merit presented by the Associated Builders and Contractors of Western Pennsylvania. Manager Van Horne stated the receipt of these awards is impressive and a testimony of the efforts of all involved in the construction. He extended his personal congratulations to all.

Citizens to Address Council

The following members of the Teens Against Senseless Violence Task Force addressed Council on various aspects of teen violence, bullying, and providing leadership to change the environments that foster such violence: Vanessa German, Mikhail Pappas, Joel Phifer, DeVaughn Hopkins and Reverend Cornell Jones.

EXPENDITURES

Approval of Warrants

Dr. Kincaid made a motion to approve the Master Expenditure Summary dated July 7, 2008 including Journal Vouchers numbering 8 in the amount of \$2,182,620.73; C.D. Requisitions numbering 19 in the amount of \$183,601.20; Master Checks No. 7941 to 8214 in the amount of \$1,316,380.50; Wire Transfers No. 37 to 53 in the amount of \$267,776.43 for a total Master Account in the amount of \$1,584,156.93; making a grand total of \$3,950,378.86.

Mr. Underwood seconded the motion.

Mrs. Kuhn questioned Check No. 8108 for overpayment of 1st quarter sewer bill.

Manager Van Horne explained that the resident sold their house and moved to Murrysville. As a result of the move he wasn't able to get a credit from their water authority which necessitated a refund from the Municipality.

Mrs. Kuhn questioned Check No. 8023 to Duquesne Light relating to the Wilkins Township boundary dispute. She asked if Penn Hills has deleted lights

Approval of Warrants (Continued)

as a result of the boundary dispute and whether Penn Hills will get any type of reimbursement from Wilkins.

Manager Van Horne stated that he had met with Wilkins Manager and our finance staff and trimmed approximately 11 street lights from the bill related to the boundary dispute.

Mrs. Kuhn questioned Check No. 8171 to Gateway Engineers as it relates to the Pavement Management System. She questioned the timetable to implement this program, the use of interns, etc.

Gateway Engineer Minsterman stated that the interns are out collecting the data which will be used to build the pavement management database. He said he is hopeful that additional material will be available in late summer or early fall on the progress of the study. He was unsure of the date of completion required in the scope of work. Mr. Minsterman stated this is a long-term program that initiates a 5-year paving program and recommends budget amounts, streets to be completed, work to be completed, etc. A report and presentation will be made to explain how best to use the information.

Mrs. Kuhn questioned Check No. 8123 for an annual firewall contract.

The Mayor and Administrative Staff explained that a firewall is protection for the municipal computer system.

Mrs. Kuhn questioned Check No. 8127 to Patricia McGrail, LLC, for professional services. She commented that the bills generally state legal services, but do not supply specific information on the case or cases being handled by that attorney. She would like to see legal bills from outside attorneys specify the case for which the bill is submitted.

Mrs. Kuhn questioned Check No. 8131 to Nick's Auto. She is hoping that someone in the administration is monitoring the vehicle expense reports to ensure that parts and/or repairs are not repeated on vehicles within short time spans. She stated that the report was to assist in determining if too much money was being spent on any given vehicle in the fleet and whether repairs should continue or if the vehicle should be replaced.

Manager Van Horne stated that he, the purchasing agent and finance staff get together and review the reports periodically.

Approval of Warrants (Continued)

Mrs. Kuhn then questioned Check No. 8145 to Sunoco for fuel. She is hopeful that this will be the last invoice for retail gas purchases and municipal vehicles can once again fuel at the school bus garage.

Manager Van Horne stated that we have been fueling at the school bus garage for approximately a month.

Mrs. Kuhn asked if we have been getting the reimbursement from the fuel company for the vehicle damage that occurred from the bad gas.

Manager Van Horne reported that the Municipality has received 3 checks for such repairs and believes there are more reimbursements pending.

Dr. Kincaid questioned Check No. 8026 to Fedele Insurance for endorsement of new library.

Manager Van Horne stated that is updated insurance for the new library.

Dr. Kincaid questioned Check No. 8153 to Verizon as it relates to the police pay phone. He asked its location and questioned the monthly cost and the need to provide the phone.

Deputy Clerk Fitzhenry stated the phone is located in the lobby of the police department to enable members of the public to access a phone or to allow parties who may have business in the police department to have access to a phone. She stated there is a basic monthly cost for the phone to the Municipality and the remaining cost is on the user of the phone through their coin deposits, etc. Mrs. Fitzhenry did not address the issue of cost effectiveness as the phone service has recently been changed and she was not able to properly address that issue.

Mayor DeLuca asked about the cost of each street light and questioned how the light company performs maintenance, as he believes we pay for the light whether it works or not.

Finance Director Schrecengost didn't have the exact figure available per light, but said generally, street lighting is expensive.

Approval of Warrants (Continued)

Deputy Clerk Fitzhenry stated the light company provides red tape to the police department, periodically, so they can tie the tape material around poles where the lights are dead or malfunctioning and then light company employees make the necessary repairs. She also stated that when residents report the light outage to either the police department/county 911 or administration, a form is faxed to Duquesne Light to initiate the repairs. She commented that Duquesne Light is very responsive to our requests for service.

Mayor DeLuca asked why they can't send people out at night to know where the lights are off or malfunctioning. He asked Mrs. Fitzhenry to check on a light at Frankstown Road and Banyon Drive.

Deputy Clerk Fitzhenry stated that she would report the light to Duquesne Light. She also stated that many of the light company employees that are responsible for street lights are daylight employees and unless there is an emergency situation, i.e. transformer fire, downed lines, etc., they do not work evenings.

Mr. Underwood stated the light at Jefferson and McKenzie has been out for 3 or 4 days,

Deputy Clerk Fitzhenry stated she would report that outage as well. She also noted that it is extremely important, when taking a street light complaint to get a pole number or a street address closest to the light, so it can be properly reported to Duquesne Light.

There being no further discussion, the motion approved by a vote of 5 to 0.

Ordinances

Mr. Underwood made a motion to approve **Ordinance No. 2500** amending the Codified Ordinances at Chapter 1042.02 repealing certain sections pertaining to fees for sewer services which are no longer applicable.

Mr. Palumbo seconded the motion.

Mrs. Kuhn asked for an explanation of the ordinance, as she believed this to be a housekeeping type action.

Ordinances (Continued)

Solicitor Brimmeier stated that Mrs. Kuhn was correct and the changes are being made because several sections are no longer applicable since billing is being conducted by the water authorities.

There being no further discussion, the motion was approved by a vote of 5 to 0.

Mr. Underwood made a motion to approve **Ordinance No. 2501** amending Ordinance No. 927 of 1961, Section 1: No Parking Regulations on Crescent Pines Drive.

Dr. Kincaid seconded the motion and it was approved by a vote of 5 to 0.

Mayor DeLuca asked the Manager to check on the status of an issue on Frankstown Road at the Get Go Gas Station. He stated a no left turn provision was approved and no signs have ever been posted. He believed the last time he questioned this matter, he was informed that a Penn Dot permit was required.

Manager Van Horne will look into the matter and report back to Council.

Resolutions

Mrs. Kuhn made a motion to approve **Resolution No. 2008-040** authorizing the execution of a consent agreement and final order with the United States Environmental Protection Agency relative to the Municipality's sanitary sewer system.

Dr. Kincaid seconded the motion and it was approved by a vote of 5 to 0.

Dr. Kincaid made a motion to approve **Resolution No. 2008-041** authorizing the execution of a consent order and agreement with the Department of Environmental Protection relative to the Municipality's sanitary sewer system.

Mrs. Kuhn seconded the motion.

There being no further discussion, the motion was approved by a vote of 5 to 0.

Resolutions (Continued)

Solicitor Brimmeier commented that these two resolutions are a huge step for this Municipality and she wanted the public to know how long and hard the Mayor and Council worked and struggled to get out of the Federal Consent Decree.

Mrs. Kuhn made a motion to approve **Resolution No. 2008-042** authorizing the execution of a settlement agreement with A.R. Bobick for lawsuits filed at AR-07-007624 and AR-08-003267.

Dr. Kincaid seconded the motion.

Dr. Kincaid asked if this matter will be finalized or if there are appeals.

Solicitor Brimmeier explained that this will settle the dispute and is in the Municipality's interest to handle this way.

Mrs. Kuhn commented that the dispute amounts where in excess of \$16,000 and the settlement is for \$10,000, which is a cost-savings to the Municipality.

There being no further discussion, the motion was approved by a vote of 5 to 0.

Dr. Kincaid made a motion to approve **Resolution No. 2008-043** authorizing the continued use of Fedele Insurance Services, Inc., as the Municipality's insurance broker and authorizing Fedele Insurance Services, Inc., to provide flood insurance coverage through Travelers Insurance Company for the policy year July 20, 2008 through July 19, 2009.

Mr. Underwood seconded the motion.

Mrs. Kuhn questioned the renewal date of the policy, since most of the municipal insurances run from July 1 to June 30 and whether the Municipality received other bids.

Mayor DeLuca also questioned the renewal dates.

Deputy Clerk Fitzhenry stated that this one policy has been running behind the other insurance renewals for a few years now, but couldn't provide any further explanation as to why that is the case.

Resolutions (Continued)

Manager Van Horne stated that other bids were received and this is the best option. He stated he would report to Council as to why the renewal date is different on this particular policy.

There being no further discussion, the motion was approved by a vote of 5 to 0.

Mr. Underwood made a motion to approve **Resolution No. 2008-044** increasing by \$50,000.00 a contract for emergency sewer repair for the Water Pollution Control Division to Soli Construction, Inc., at a new amount not to exceed \$144,450.00.

Dr. Kincaid seconded the motion and it was approved by a vote of 5 to 0.

Dr. Kincaid made a motion to approve **Resolution No. 2008-045** adding an item to the existing contract with Soli Construction for a 21" diameter sewer line at a cost of \$138.00 per foot to the emergency sewer repair contract for the Water Pollution Control Division.

Mr. Underwood seconded the motion and it was approved by a vote of 5 to 0.

Mr. Palumbo made a motion to approve **Resolution No. 2008-046** incorporating various traffic and parking regulations in accordance with recommendations of the Traffic Safety Committee – Verona Road (Pa. Wildlife Center), Universal Road (Stotler to S. Joslyn) and Center Street (at Fourth).

Mr. Underwood seconded the motion and it was approved by a vote of 5 to 0.

Items for Consideration

Appointments were deleted at the beginning of the agenda.

Introductions of Ordinances, Resolutions, etc.

Council had no legislation to introduce at this time.

REPORTS – Mayor, Council, Manager, etc.

Mrs. Kuhn thanked Chris Blackwell and Diane Fitzhenry for helping with the new signage in assisting with opening the main door to the municipal building to the public. She stated she was pleasantly surprised by the 25-30 people in attendance at the strategic planning meeting that was held recently. Mrs. Kuhn announced that two more meetings will be held at the Library on July 23 at 7 p.m. and August 20 at 7 p.m. She urged residents to attend.

Mayor DeLuca announced that the Municipality received grant approval for \$50,000 for demolition of the old public works garage with the help of State Representative DeLuca. The Mayor announced that he received a letter from Peg Mineo from UPMC Senior Communities regarding a recent experience with our municipal tower. She expressed her sincere appreciation to Mr. Kuhn for his prompt and professional service. The letter thanked him for providing the services free to the Senior Organization. Mayor DeLuca commended Mr. Kuhn for a job well done and stated that he appreciates hearing from people with the good things that are going on in our community.

DISCUSSION SESSION

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| 1. Vocollect – Special Mtg. Dates | (H. Davidson) |
| 2. Strategic Plan Status | (H. Davidson) |
| 3. Fireman Funding | (S. Kuhn) |
| 4. New Business | (A. DeLuca) |
- 6520 Cloverleaf Road – Easements, etc.

Adjournment

There being no further business, the Mayor asked for a motion to adjourn the meeting.

Dr. Kincaid made a motion to adjourn the meeting.

Mr. Underwood seconded the motion and it was approved by a vote of 5 to 0.

The meeting adjourned at 8:58 p.m.

NOTE: The following items were discussed in a closed session following the adjournment of this meeting:

DISCUSSION SESSION (Continued)

CLOSED

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|----|------------------------------|---------------|
| 1. | Request to Purchase Property | (H. Davidson) |
| 2. | Personnel | (S. Kuhn) |

Respectfully submitted,

/s/ Diane Fitzhenry,
Deputy Clerk

These minutes approved by Mayor and Council on February 16, 2009.