

May 5, 2008 Council Meeting Minutes

The May 5th meeting of the Penn Hills Council was called to order at 7:45 p.m. in Council Chambers of the Municipal Building, Mayor Anthony L. DeLuca presiding.

Approval of Agenda Items

The Mayor announced that Item No. 7. b. Wal-Mart/Lowes Development 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: Mr. Palumbo
Mr. Underwood
Mayor DeLuca
Dr. Kincaid
Mrs. Kuhn

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

The Mayor noted the large audience in attendance this evening, stating he believed they wished to discuss the new sewer rates. He announced that Council would complete the business on the agenda and then permit time for residents to raise their concerns over the sewer bills.

EXPENDITURES

Approval of Warrants

Dr. Kincaid made a motion to approve the Master Expenditure Summary dated May 5, 2008 including Journal Vouchers numbering 0 in the amount of \$ 0; C. D. Requisitions numbering 10 in the amount of \$24,562.41; Master Checks 7478 to 7603 in the amount of \$509,051.44 with the exception of Check No. 7591 to George Stash which is subject to approval of the Manager; Wire Transfers 9 to 16 in the amount \$131,686.96 for a total master in the amount of \$640,738.40, making a grand total of \$665,300.81.

Approval of Warrants (Continued)

Mr. Underwood seconded the motion.

Mr. Jim Carnahan questioned C.D. Requisitions regarding Donna Traficante as the note states she paid a rehab loan twice.

Planning Director Davidson explained that the women paid her loan twice and is due a refund. He believes she paid the loan and then the property was sold and the loan was also paid at the closing.

Mr. Jim Carnahan then questioned C.D. Requisitions to Charles Desmone and Check No. 7486 to Charles Desmone to determine if they are for the same thing.

Planning Director Davidson and Deputy Clerk Fitzhenry clarified the difference between the requisitions and the check. The check would have appeared on a previous C.D. Requisition list and is now appearing for payment on the warrants list. Likewise, the amounts on the current C.D. Requisition List will appear on a future warrants list for payment. The issue was confusing since the amounts were very similar.

Mr. Joseph "Mickey" O'Connor questioned Check No. 7578 for phone service at the Magistrates Office. He questioned why the municipality is paying for the line and not the county.

Finance Director Schrecengost stated that the Municipality has a line available at the Magistrates Office for our police personnel to use when necessary in the conduct of their business.

Mrs. Kuhn questioned Check No. 7483 for copier rental.

Finance Director Schrecengost stated that the cost was for multiple copiers and that the Municipality was in the process of looking for new copiers and/or a new vendor.

Mrs. Kuhn questioned Check No. 7487 as it relates to electric usage at the Library. She inquired as to whether all of the programming problems have been worked out with the lighting system, etc.

Approval of Warrants (Continued)

Manager Van Horne stated that the lighting issues have been resolved through meetings with the contractor and Mr. Rayan. He further stated that many of the lights can be adjusted by staff and the overall length of time that the lighting is on has been shortened.

Mrs. Kuhn questioned Check No. 7497 for new fencing at Duff Park. She questioned the payment for \$4,000 since the new fence was of a higher (commercial) quality.

Manager Van Horne stated that the fencing is a commercial grade fence as opposed to the original fencing. He stated he would verify the cost differences and report back to council.

Finance Director Schrecengost stated that this check is just a partial payment.

Controller Sciulli reiterated that this check is a partial payment with the total cost in excess of \$8,000.

Mrs. Kuhn questioned Check No. 7500 to McVay Plumbing as it relates to waterline breaks at Universal Park. She voiced her concern over the fact that several parks have experienced major water leaks and wanted to make sure that water was shut-off properly at the end of each season and that staff was responsible to monitor potential problems. Mrs. Kuhn then questioned Check No. 7575 to McVay as it relates to restroom repairs at the library. She asked if the work that was deficient by the original plumbers would be reimbursed to the Municipality.

Manager Van Horne stated that Mr. Rayan has met with the plumbers and are working through the reimbursement issues.

Mrs. Kuhn then mentioned Check Nos. 7580 to 7586 to the Fire Departments. She acknowledged the fire departments for their dedication to the community and thanked them for their service. She explained that the Municipality is fortunate to have such dedicated volunteers. She commented further that costs for a paid department would be an exorbitant expense for the citizens of this community. She urged everyone to be aware of the service the volunteers provide.

Approval of Warrants (Continued)

Mrs. Kuhn then questioned Check No. 7517 to Sunoco for fuel purchases. She questioned if this bill reflects a final payment for gas purchases at the retail establishment. She also questioned if the Municipality has received reimbursement from the school district's fuel supplier for the problems we experienced with our vehicles.

Manager Van Horne stated that a report of the findings would be released to the school district within the next few days. Once that is done, municipal vehicles should be able to fuel at the school bus garage. He acknowledged that the fuel company has made some payments to the Municipality for the vehicle repairs.

Roll was called and the motion was approved by a vote of 5 to 0, except check no. 7571 to Kuhn Auto Body which was approved by a vote of 4 to 0 to 1, Mrs. Kuhn being the abstention.

Ordinances

Dr. Kincaid made a motion to approve **Ordinance No. 2496** approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts.

Mrs. Kuhn seconded the motion.

Mrs. Kuhn asked if this is just for the new delinquent accounts.

Manager Van Horne explained that this ordinance is necessary so we can proceed with collection of old sewer delinquencies. This was proposed by Laurel Tax Management/Portnoff Law Group from Philadelphia. They came highly recommended by the water authorities and several neighboring communities.

Dr. Kincaid questioned the attorney fees.

Mayor Deluca explained the schedule of attorney fees is part of the ordinance.

Manager Van Horne stated the fees will not be paid by the Municipality, but by the persons with the delinquencies.

Ordinances **(Continued)**

Solicitor Brimmeier stated that the Pennsylvania Law permits all such costs to be paid by the people we have to pursue for delinquencies, etc., as long as the municipality adopts an ordinance like the one before them this evening.

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

Mrs. Kuhn made a motion to approve **Ordinance No. 2497** amending Ordinance No. 2449 of 2006 and revising the schedule of fees for permits, sewer charges, land development application review, public hearing charges, printing charges, etc.

Dr. Kincaid seconded the motion.

Mr. Jim Carnahan questioned charges for the use of the Senior Center and what the costs are based on. He voiced concern over the use and charges being established for the use of the center.

Mr. Jerry Chiappinelli voiced his concern over the charges being imposed on groups utilizing the Senior Center. He stated that he has used the center for 25+ years for the Steel City Angels and the proposed costs would make the use of the center prohibitive. He feels he has provided a variety of services for the center and the community and doesn't feel it's fair to impose these fees.

Planning Director stated there are permitted exemptions in the ordinance.

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. 2498** waiving penalties and interest for sewer user fees for 2008.

Dr. Kincaid seconded the motion.

Mr. Joseph "Mickey" O'Connor stated that this waiver was discussed at the last meeting and he's glad to see that Council took the suggestion. He said it is a step in the right direction, but he fears it won't be a big enough help to some residents.

Ordinances (Continued)

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

Resolutions

Dr. Kincaid made a motion to approve **Resolution No. 2008-025** amending the five-Year Consolidated Plan and Community Development Budget Years 29, 30, 31, 32 and 33.

Mrs. Kuhn seconded the motion and it was approved by a vote of 5 to 0.

Mrs. Kuhn made a motion to approve **Resolution No. 2008-026** authorizing the execution of agreement(s) with the Allegheny County Department of Human Services/Area Agency on Aging for the Municipality of Penn Hills to provide services and programs to senior citizens.

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

Mr. Underwood made a motion to approve **Resolution No. 2008-027** permitting the leasing of two vehicles to Vision Financial Group, Inc., as listed in the approved 2008 Budget.

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. 2008-028** awarding a contract to Lutterman Excavating for the Earlwood Drive Stream Bank Project in the amount of \$16,150.00.

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

Items for consideration

Ratify 3-year Labor Agreement with MEO – Building and Office Employees

Dr. Kincaid made a motion to ratify a 3-year labor agreement with MEO – Office and Building Employees.

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

Items for consideration (Continued)

Wal-Mart/Lowe's Development was deleted at the beginning of the meeting.

Appointment of Amedeo Brancati to Traffic Safety Committee

Mayor DeLuca nominated Amedeo Brancati for appointment to the Traffic Safety Committee.

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

Appointment of Leroy Green to Wilksburg-Penn Joint Water Auth. Board

Mayor DeLuca nominated Leroy Green for appointment to the Wilksburg Penn Joint Water Authority Board of Directors.

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

Introduction of Ordinances, Resolutions, etc.

Council had no legislation to introduce at this time.

REPORTS – Mayor, Council, Manager, etc.

Dr. Kincaid reported on the Turtle Creek Valley Council of Governments (TCVCOG) Meeting of April 24, 2008, at which time a proposal was submitted by Innermedia TV for webcasting of meetings, local news, emergencies, etc. He submitted materials for consideration in the future to Manager Van Horne.

Residents to Address Sewer Billing Issues

Mayor DeLuca explained the circumstances of the sewer rate increase including litigation with the federal government, previous bond issues, previous rate adjustments, etc. He explained the budgetary process and the options Council reviewed prior to raising the rates. He then provided time for citizens to discuss the new sewer rates and the following residents addressed Council:

Leroy Sampson of Crestview Drive, Tony Sorce of Shannon Road, Steve Perkovic of Saltsburg Road, Colleen Lazzaro of Quincy Drive, Alexis Howard of Elk Road, James Cox of Fielding Drive, Marlene Schott (a Penn Hills landlord) of Mardi Gras Drive in Plum, and Cynthia Riddle of Quincy Drive.

Residents to Address Sewer Billing Issues (Continued)

Mayor, Council, Solicitor and various Administrative Staff members answered residents concerns on the sewer billing. Manager Van Horne urged residents to contact him or the Administrative Staff regarding their billing concerns.

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 to adjourn and it was approved by a vote of 5 to 0.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

/s/ Diane Fitzhenry, MMC
Deputy Municipal Clerk

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