

September 15, 2008 Council Meeting Minutes

The September 15th meeting of the Penn Hills Council was called to order at 7:37 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.b. Appointments were 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, Planning Director Davidson, Recreation Director Miller and Deputy Clerk Fitzhenry.

Proclamation – Eagle Scout Ryan L. Smith

Recreation Director Miller gave a brief overview of Ryan's Eagle Project which included disabling old light standards, refinished them, installing decorative/patriotic banners and cleaning algae from Lake Richard at Penn Hills Park.

Mayor DeLuca asked Ryan to step forward to the podium. He then read the certificate of recognition into the record and Mayor and Council posed for photographs with Ryan.

Special Guest – Oakland Catholic High School

Mayor DeLuca announced that we had special guests in the audience this evening, a group of young ladies from Oakland Catholic High School who were attending the meeting as part of a class project. Mayor DeLuca posed for photographs with the young ladies.

Approval of Minutes

Mr. Underwood made a motion to approve Minutes of the December 31, 2007 Year End Expenditures/Budget Adoption Meeting and the October 25, 2007 Engineer's Special Meeting.

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

EXPENDITURES

Approval of Warrants

Dr. Kincaid made a motion to approve the Master Expenditure Summary dated September 15, 2008 including Journal Vouchers numbering 3 in the amount of \$557,210.81; C.D. Requisitions numbering 35 in the amount of \$86,720.13; Master Check Nos. 8472 to 8833 in the amount of \$1,813,865.76, Wire Transfers 71 to 97 in the amount of \$487,882.41 for a total Master Account of \$2,301,748.17, making a grand total of \$2,945,679.11.

Mr. Underwood seconded the motion.

Mrs. Kuhn commented on Checks No. 8543 and 8488 for new police vehicles and wanted to ensure that the old vehicles would be turned over to the volunteer fire companies; Check No. 8609 for engineering services related to Walmart/Lowe's and wanted to ensure that the Municipality was being reimbursed on those expenses; Checks No. 8732, 8685 and 8686 for cutting of high grass and whether or not the Municipality liened those properties involved or otherwise collected the cutting fees; Check No. 8625 to Ogletree, Deakins, and Check No. 8679 to Olander Engineering.

Manager Van Horne stated the old cars were being transferred to the fire companies as requested.

Planning Director Davidson stated that engineering expenses for the new Walmart/Lowe's are paid for by the developer and not the Municipality.

Mayor DeLuca stated that properties with high grass are usually vacant and are liened.

Finance Director Schrecengost corrected that information and stated that the amounts for cutting are added to lien letters are must be paid before a property is transferred to a new owner. This method is less costly to Penn Hills than filing liens.

Approval of Warrants (Continued)

Manager Van Horne explained that Ogletree, Deakins is a law firm who provided employee training to the staff at the Penn Hills Library. He further commented they will be doing additional training throughout other departments.

Engineer Minsterman stated that Olander Engineering bills Penn Hills directly to save mark-up costs, but that his firm reviews the bills before they are paid to ensure the appropriate amounts are billed and work is completed.

Dr. Kincaid questioned Check No. 8543 for new police vehicles regarding the availability of extended warranties, etc.

Manager Van Horne responded that the vehicles are covered by a limited warranty and would provide specifics to Dr. Kincaid and Council.

Mr. Underwood stated that he had several concerns on vehicle maintenance expenses and rather than taking time from the meeting, he would provide a list to the Manager for clarification.

Roll was called and the warrants were approved by a vote of 5 to 0, except Check No. 8791, an insurance payment for repairs to Don 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. 2503** establishing guidelines for the registration of vacant properties in the Municipality of Penn Hills and the payment of related fees, to be known as Vacant Property Registration.

Mr. Underwood seconded the motion.

Solicitor Brimmeier asked that the motion include the Manager as the designated person to accept applications on page 5, 6 and 7.

Council agreed to the Solicitor's suggestion.

Mr. Richard Adams asked if this format would be applicable to vacant lots.

Ordinances (Continued)

Planning Director Davidson responded by explaining several current programs and the intent of this ordinance.

Mr. Joseph "Mickey" O'Connor asked what the difference is between this Ordinance and the current existing structures code.

Mayor DeLuca stated that the purpose of this Ordinance is to attempt to get people put vacant property on the market and attempt to get them back on the tax roles. If the building remains vacant, then fees will be imposed to help the Municipality cover any additional enforcement expenses.

Mrs. Kuhn stated that the definition section will help individuals to understand the purpose and/or intent of the ordinance. She elaborated on several of the definitions. She stated that one of her concerns is who will enforce this ordinance. She then explained the difficult process that Code Enforcement has in correcting issues throughout the community and she hopes this will provide additional authority for enforcement. Mrs. Kuhn asked if clarification should be added regarding single family homes that are on the market, but haven't sold.

Mr. O'Connor questioned if all the inspectors are certified in accordance with the adopted state code.

Manager Van Horne explained the certification of Code Enforcement Officers. He stated that the certifications are being closely monitored.

Planning Director Davidson raised some issues on single-family homes and whether Code Enforcement has provided any input on this proposed ordinance. He recommended that Council table the ordinance for further clarification. He also questioned the need for notarization and is notarizing really necessary

Mayor DeLuca stated that Mrs. Fitzhenry is a notary and is available for residents so that shouldn't be an issue.

Deputy Clerk Fitzhenry stated the reason for notarization is two-fold, first you verify the identity of the person signing the document and secondly, most notarized statements carry some enforcement of law as far as making false statements to authority, etc.

Mayor DeLuca asked if the website could be amended to include an opportunity for residents to report vacant property that Code Enforcement can then follow-up on.

Ordinances (Continued)

Dr. Kincaid made a motion to table this ordinance, so that Code Enforcement can review and make recommendations on it.

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

Resolutions

Mr. Underwood made a motion to approve **Resolution No. 2008-050** amending the Five-year Consolidated Plan and Community Development Budget Years 33 and 34.

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

Mr. Palumbo made a motion to approve **Resolution No. 2008-051** approving transfer of a Liquor License No. R-01720 into the Municipality of Penn Hills from Bethel Park, PA to Aurora Huts, 7301 Saltsburg Road, Penn Hills, PA.

Mrs. Kuhn seconded the motion.

Attorney Mark Kozar of the firm Flaherty & O'Hara was present in the audience and spoke briefly on the transfer of this liquor license to his client, Aurora Huts. He stated that the Owner of Aurora Huts is Jerry Buss former Chief Operating Officer of Pizza Hut Corporation and that Mr. Buss's son, Jeffrey Buss, was present in the audience. He stated his client has recently acquired 50+ Pizza Hut restaurants in the area. He further stated that this site had a liquor license a number of years ago and the franchise operator chose to sell it, but his client is interested in allowing customers to have a glass of beer or wine when they dine in his facility. He also stated that six-packs would be available for take out, but not delivery.

There being no further discussion, the motion was approved by a vote of 4 to 0 to 1, Dr. Kincaid being the abstention.

Dr. Kincaid made a motion to approve **Resolution No. 2008-052** awarding a contract to D Squared Environmental Services for the maintenance and repair of sewage pump stations in the amount of \$90,840.00 the first year and \$94,440.00 the second year.

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

Resolutions (Continued)

Mr. Underwood made a motion to approve **Resolution No. 2008-053** awarding a contract to Smeltzer Construction for the Senior Service Center Office Renovations in the amount of \$58,780.00.

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

Mrs. Kuhn made a motion to approve **Resolution No. 2008-054** awarding a contract to Rath Construction, Inc., d/b/a Genesis Construction Group for the electrical portion of the Senior Service Center Office Renovations in the amount of \$16,343.00.

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

Items for Consideration

Leave of Absence for Public Works Employee

Dr. Kincaid made a motion to approve a leave of absence for a public works department employee.

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

Note: Appointments were deleted from the agenda, at the beginning of the meeting

Introductions of Ordinances, Resolutions, etc.

Council had no legislation to introduce at this time.

REPORTS – Mayor, Council, Manager, etc.

Mrs. Kuhn reported on her involvement with the fire departments. She explained that she is working on a flyer with Mrs. Fitzhenry and the fire departments to solicit funding for the fire departments that will be on our website and available through other municipal sources. She noted she set up a meeting with the Clergy Association with assistance from Dr. Kincaid so the fire situation can be discussed and passed on to the residents through the Clergy. She noted that volunteerism has declined in the fire service and contributions are down to support the fire departments. She stated that contributions are a small amount to pay for a volunteer fire department and that costs for a paid fire department would be astronomical.

REPORTS (Continued)

Mrs. Kuhn hopes that Council will support this effort. She thanked the Manager for providing the staff assistance of Diane Fitzhenry. Mrs. Kuhn stated that she is scheduled to address the school board on related matters.

Manager Van Horne reported that Public Works recently completed the Fourth Street Sewer Project with oversight provided by Gateway Engineers and cooperation from Verona Borough. This various serious issue was resolved by work by our own public works staff which resulted in a substantial cost-savings. He commented that funds are available for the waterline project at Penn Hills Park and he would like to bid it out within the next few weeks.

Deputy Clerk Fitzhenry reminded residents that there were handouts on the table in the back of Council Chamber regarding recent events in the Crime Watch Program. She urged residents to register for Crime Watch Alerts.

Mayor DeLuca reported on sewer fee increases and options that were proposed during the budget process. He stated that he and the Manager are looking into ways to reduce the bond debt and they will be holding meetings with bond counsel to discuss alternatives. He announced that Representative DeLuca will provide a grant of \$50,000. He then commented that ALCOSAN will be holding their Open House this weekend and urged residents to attend. Mayor DeLuca mentioned a brochure on Water Saving Tips has been added to the website for residents to review and implement.

DISCUSSION SESSION

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|---|----------------|
| 1. Municipal Junk Vehicles not being used | (G. Underwood) |
| 2. School District Liaison | (S. Kuhn) |
| 3. Sewer Delinquent Collections | (S. Kuhn) |
| 4. Lincoln Park Library Policies | (S. Kuhn) |
| 5. Roadway – Walmart/Lowers Project | (S. Kuhn) |
| 6. Residency | (S. Kuhn) |
| 7. Capital Program 2008-2013 | (H. Davidson) |
| 8. New Business | (A.DeLuca) |

Adjournment

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

Adjournment (Continued)

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 9:12 p.m.

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

CLOSED

1. Request to lease mun. property on Tyler Road, J. Bowling (H. Davidson)
2. Personnel

Respectfully submitted,

/s/ Diane Fitzhenry,
Deputy Clerk

These minutes approved by Mayor and Council on October 16, 2008.