

March 2, 2009 Council Meeting Minutes

The March 2nd 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

There were no changes to the agenda and it was approved as presented.

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: Acting Manager Mohammed Rayan, Assistant Solicitor Matt Racunas, Gateway Engineer Rick Minsterman, Controller Theresa Sciulli, Planning Director Howard Davidson, Finance Director Ed Schrecengost and Deputy Clerk Diane Fitzhenry.

Citizens to Address Council

Mr. Donald Sanker addressed Council on issues regarding the future of the community. His main focus was on current and future management, leadership, goal setting, vision casting, team building, empowering staff, enhancing confidence in the workplace, morale, etc.

Mayor DeLuca and Deputy Mayor Kuhn both responded to Mr. Sanker's remarks regarding specific management issues he raised and their obligation to the taxpayers of Penn Hills.

Mr. Jim Getsy addressed Council on several issues relating to topics that have been brought to the public's attention during the strategic planning process including crime prevention – our new crime prevention officer and his email newsletter, support for the volunteer fire departments, recently initiated school district email newsletter, Code Enforcement issues, the comprehensive plan, snow removal management, school board related issues, municipal website, etc. He shared his recommendations for a strategic planning committee, use of the website, communications, etc.

Citizens to Address Council (Continued)

Mrs. Kuhn explained her concerns over Code Enforcement and recent meetings she has had to resolve the outstanding Code issues including breaking the community down into zones for Code to work in.

Acting Manager Rayan commented that he and Planning Director Davidson have recently discussed the ongoing process of the strategic plan and they hope to make presentations to Council in the near future, including additional meetings, etc.

Approval of Minutes

Mr. Underwood made a motion to approve the Minutes of February 16, 2009, January 5, 2009, November 17, 2008 and October 6, 2008 Council Meetings, as presented.

Mr. Palumbo 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 March 2, 2009 including Journal Vouchers numbering 0 in the amount of \$0, C. D. Requisitions numbering 6 in the amount of \$6,086.00 and Master Check Nos. 10356 to 10511 in the amount of \$969,467.68 making a grand total of \$975,553.68.

Mr. Underwood seconded the motion.

Mr. Joseph "Mickey" O'Connor questioned Check No. 10390 for Pre-paid Legal Services and wanted to know if the final payment has been made to Manager Van Horne and the amount of that check.

Finance Director Schrecengost stated that the pre-paid legal were payroll deductions for employees to have pre-paid legal services if they choose to buy it. He stated the final check for Mr. Van Horne was approx. \$21,800.00.

Mrs. Kuhn questioned Check No. 10415 to Centax, Check No. 10426 Gateway Engineers, Check No. 10502 to the School District and Check No. 10504 to Sunoco.

Finance Director Schrecengost stated the Centax check was for earned income tax collections.

Approval of Warrants (Continued)

Acting Manager Rayan stated that fuel is being purchased from Sunoco now by all departments and the fire companies and the school district invoice should be a final invoice for fuel services purchased recently.

Mrs. Kuhn stated she would contact the Engineer and Finance Director regarding the engineering questions she has.

There being no further discussion, roll was called and the warrants were approved as follows:

All checks were approved by a vote of 5 to 0, except Check Nos. 10487, 10425, 10463, 10457, 10491, 10427, 10464, 10470, 10495, 10437 and 10500, which were approved by a vote of 4 to 1, Mr. Underwood being the negative vote.

Resolutions

Mrs. Kuhn made a motion to approve **Resolution No. 2009-017** granting conditional use approval to Fayette Forest Products, Inc., for timber harvesting on 130 acres of ground owned by Restland Memorial Park in the vicinity of 2026 Lincoln Road.

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. 2009-018** authorizing the filing of an application for funds with the Allegheny County Economic Development Community Infrastructure and Tourism Board (ACEDCITB) for municipal building improvements.

Mr. Palumbo seconded the motion.

Mrs. Kuhn stated the project includes \$50,000 for door replacement, panic hardware, soffit and fascia, etc.

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

Mr. Palumbo made a motion to approve **Resolution No. 2009-019** exonerating the Penn Hills School District Tax Office from the collection of 2008 Real Estate Taxes.

Mr. Underwood seconded the motion.

Mr. Joseph "Mickey" O'Connor asked if we had a total amount of the exoneration.

Resolutions (Continued)

Finance Director Schrecengost stated the amount as \$578,613.41.

Council accepted the dollar amount provided by the Finance Director as a friendly amendment to the motion.

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

Dr. Kincaid made a motion to approve **Resolution No. 2009-020** ratifying the execution of an agreement with Portnoff Law Associates, Ltd., for collection of delinquent sewer accounts on behalf of the Municipality of Penn Hills.

Mr. Underwood seconded the motion.

Mr. Sanker asked what fee was being paid to Portnoff.

Deputy Clerk Fitzhenry stated that the costs associated with the delinquent collection would be passed on to the person with the delinquent account.

Mr. Zullo discussed a news story entitled "Penn Hills sewage stinks" in which the Acting Manager mentioned that the sewer rates may be reduced. He asked what those plans might be.

Mayor DeLuca commented that Council is looking for ways to reduce the fee including the elimination of the customer service fee of \$30 per quarter. He stated that Council had engaged a financial firm to look at the market to see if such a transaction could be done. He stated the current market does not allow them to make such a financial move. He also stated that residents need to begin a letter writing campaign.

Mr. Zullo asked if ALCOSAN would buy our system.

Mayor DeLuca stated that ALCOSAN was not interested in assuming our system a few years ago, but he is always looking for options.

Mr. Anthony M. DeLuca questioned rates of collection under both the old system with Centax and the new system with the water authorities providing collection services.

Mayor DeLuca and Finance Director Schrecengost stated the water authorities' collection rates range from 90-95% while Centax's collection rates were around 70%.

Resolutions (Continued)

Mr. Anthony M. DeLuca asked if this new collection process will help alleviate some of the financial burdens on the community.

Finance Director Schrecengost stated that an entire year's collection has not been completed by the water authorities as of yet, but their higher collections should help Penn Hills.

Mrs. Kuhn stated that Council has been looking at four issues regarding our sewers: (1) release from the Federal Consent Order; (2) change the collection system from Central Tax to the Water Authorities; (3) pursuing delinquent collections; and (4) minor refinancing of bonds.

Mr. Sanker stated we really cannot blame the market; we need to place the blame on previous administrations for issuing non-callable bonds. He commended Council on the new collection process as it allows the money to be collected sooner.

Mr. O'Connor asked what the total delinquencies are that are being turned over to Portnoff. He also suggested a language change in the resolution from sewer rates to sewer accounts.

Council agreed to make a friendly amendment to the resolution.

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

Mr. Underwood made a motion to approve **Resolution No. 2009-021** authorizing the Municipality to enter into a lease agreement with the Penn Hills Girls' Softball Association for the concession stand located at Penn Hills Park.

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

Mr. Palumbo made a motion to approve **Resolution No. 2009-022** authorizing the Municipality to enter into a lease agreement with the Penn Hills Baseball Association for concession stand #1 located in Turner-Friendship Park.

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

Dr. Kincaid made a motion to approve **Resolution No. 2009-023** authorizing the Municipality to enter into a lease agreement with the Penn Hills Youth Football Association for concession stand #2 located in Turner-Friendship Park.

Resolutions (Continued)

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. 2009-028** authorizing the Head Librarian to purchase books for the Library from assigned vendors in an amount not to exceed the budget account approved in Account No. 0145600-2400 of the municipal budget.

Dr. Kincaid seconded the motion.

Mrs. Kuhn made a motion to approve **Resolution No. 2009-024** awarding a contract for the Lime Hollow Sewer and Manhole Rehabilitation Project for the Water Pollution Control Division to State Pipe Services, Inc., in the amount of \$85,690.00.

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. 2009-025** awarding a contract to BFI Waste Service of Pennsylvania for the sludge removal and disposal for the Water Pollution Control Division in the amount of \$252,000.00.

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

Mr. Underwood made a motion to approve **Resolution No. 2009-026** appointing Fedele Insurance Services, Inc., as the Municipality's Insurance Broker of Record effective March 3, 2009 for a period of three years and allowing for an automatic renewal.

Dr. Kincaid seconded the motion.

Mr. Sanker questioned why Council would authorize an automatic renewal, as the market may change and be more conducive in the future.

The Administrative Staff explained that it is an option to have an automatic renewal, if Penn Hills chooses to exercise that option.

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

Mrs. Kuhn made a motion to approve **Resolution No. 2009-027** authorizing the execution of a natural gas transportation agreement with the Peoples Natural Gas Company d/b/a Dominion Peoples at a rate of \$1.60 per mcf for various municipal facilities, for a one-year period commencing February 17, 2009.

Resolutions (Continued)

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

Items for Consideration

Confirm Manager's Appointment to Library Director

Mayor DeLuca made a motion to confirm the Manager's appointment of Mr. Tyrone Ward as Library Director.

Mr. Underwood seconded the motion.

Mr. Tyrone Ward thanked Council for their confirmation and he stated he is looking forward to his work here in Penn Hills. He reviewed his service in the Chicago Public Libraries and the Carnegie of Homestead. He looks forward to working with Council, the Administrative Staff and the residents to continue the progress at the new library.

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

Rejection of Bids – Penn Hills Park Ball Field Lighting

Dr. Kincaid made a motion to reject bids received on January 22, 2009 for the Penn Hills Community Park Field Lighting – Phase I and to return bid securities to the contractors.

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

Appointments – School District Liaison

Mayor DeLuca nominated Deputy Mayor Sara Kuhn to serve as the municipal Liaison to the School District.

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

Appointments – Library Board – Doug Salah

Mayor DeLuca nominated Mr. Doug Salah for appointment to the Penn Hills Library Board for a three-year term.

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.

Mrs. Kuhn reported that she attended the Penn Hills NAACP 100th birthday celebration and the organization will be holding a community health day on May 9th including blood pressure screenings, etc. She hopes to help spread the word to the community regarding this activity. She discussed the proposed letters to Congress regarding support for stimulus money for Penn Hills and asked that copies be made available to the Lincoln Park Community Center as well as other locations in the municipality. She reported that she attended the recent Chamber of Commerce dinner at Morgan's Restaurant and commented on several new businesses in the community as well as the expansion of the YMCA. Mrs. Kuhn welcomed Dunkin Donuts on Rodi, a new medical facility at the former Tivoli Restaurant on Rodi, Stoecklein's Bake Shoppe on Saltsburg Road, a new PA Liquor Control Board facility at the D'Andrea Property, a new Mexican Restaurant, Rey Azteca on Frankstown Road, use of half of the former Hoss's Restaurant as a veterinarian office, and the Wal-mart/Lowe's Developments.

Mayor DeLuca reported on the proposed letters to Congress and would like to show some comparison of sewer rates for varying family size. He also reported that he received a call from Chief Burton regarding a shooting that started in the City of Pittsburgh and ended in Penn Hills. He clarified the shooting occurred in the City and not in Penn Hills, as may be reported on the television.

Note: The Mayor announced that Council will hold a brief executive session after the adjournment to discuss personnel and litigation.

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.

Adjournment (Continued)

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

/s/ Diane Fitzhenry, MMC
Deputy Municipal Clerk

SEAL