

April 6, 2009 Council Meeting Minutes

The April 6th 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. 7.d. Appointments were being deleted from the agenda. There were no other changes to the agenda and it was approved, as amended.

Pledge of Allegiance

Council and the audience stood for the Pledge of Allegiance.

Moment of Silence – Pittsburgh Bureau of Police – Officers Eric Kelly, Stephen Mayhle and Paul Sciuillo, who died in the line of duty responding to a domestic disturbance on Fairfield Street in Stanton Heights on the morning of Saturday, April 4, 2009.

Roll Call

Roll was called and the following members of Council responded:

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

Also present were: Assistant Solicitor Matt Racunas, Finance Director Ed Schrecengost, Controller Theresa Sciulli, Planning Director Howard Davidson, Water Pollution Control Director Tom O'Grady and Deputy Clerk Diane Fitzhenry.

Approval of Minutes

Mr. Underwood made a motion to approve the Minutes of the March 17, 2009 Council Meeting, January 20, 2009 Council Meeting, December 1, 2008 Council Meeting and the August 4, 2008 Council Meeting, as presented.

Mr. Palumbo seconded the motion and it was approved by a vote of 5 to 0, except the March 17, 2009 Minutes which were approved by a vote of 4 to 0 to 1, Dr. Kincaid being the abstention.

EXPENDITURES

Approval of Warrants

Dr. Kincaid made a motion to approve the Master Expenditure Summary dated April 6, 2009 including Journal Vouchers numbering 1 in the amount of \$542.01; C.D. Requisitions numbering 14 in the amount of \$25,079.32 and Master Check Nos. 10668 to 10863 in the amount of \$979,166.56; making a grand total of \$1,004,787.89.

Mr. Palumbo seconded the motion and it was approved by a vote of 5 to 0, except Check No. 10822 to Don Kuhn Auto Body which was approved by a vote of 4 to 0 to 1, Mrs. Kuhn being the abstention.

Resolutions

Mrs. Kuhn made a motion to approve **Resolution No. 2009-035** authorizing the submittal of a community conservation partnerships program grant application to the Pennsylvania Department of Conservation and Natural Resources for recreation and open space improvements at the Penn Hills Multi-Purpose Center located at 2025 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. 2009-036** authorizing the execution of an agreement between the Municipality of Penn Hills and the Penn Hills School District for tax collection services.

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

Dr. Kincaid made a motion to approve **Resolution No. 2009-037** authorizing the appropriate municipal officials (Manager and Finance Director) to file required Liquid Fuels forms on-line on an annual basis.

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

Dr. Kincaid made a motion to remove **Resolution No. 2009-031** (award vehicle maintenance) from the table. Mrs. Kuhn seconded the motion to remove the resolution from the table.

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

Resolutions (Continued)

Mrs. Kuhn made a motion to approve **Resolution No. 2009-031** awarding a contract for the maintenance of municipal vehicles to Nick's Auto Repair, Inc., for a period of two (2) years in the amount not be exceed \$90,000.00 per year.

Dr. Kincaid seconded the motion.

Mr. Don Sanker asked Council if this is the exact same Resolution that was tabled at the last Council Meeting or if changes have been made.

Deputy Clerk Fitzhenry stated that it is the exact same Resolution that was tabled on March 17, 2009.

Mr. Sanker asked if Mr. Underwood's questions were adequately answered after the last meeting.

Mr. Underwood stated that he still has questions and will ask that it be tabled again this evening.

Mayor DeLuca stated that Manager Rayan submitted a report attempting to answer questions that were raised at the last meeting on this contract.

Mrs. Kuhn also commented on the contents of the Manager's report including that vendors must be located within the Municipal boundaries, etc.

Mr. Sanker questioned if standard bid information is sent to everyone and whether these vendors have to only be Penn Hills' businesses.

Council and staff informed Mr. Sanker that being a Penn Hills' business is required in the bid specifications and that the same specifications are sent to all potential businesses.

Mr. Joseph "Mickey" O'Connor stated that he would provide some insight to Council after the meetings as to why people don't bid on this contract. He stated that vehicles have always been a problem here.

Mrs. Kuhn stated that if he knows why more people don't bid he should tell the Council.

Mr. O'Connor stated he was never a proponent of one vendor to do all the repair work and when he was the purchasing agent, two vendors were always used. He feels

Resolutions (Continued)

using one vendor is part of the problem. He commented the length of time it takes to get paid by Penn Hills contributes to the lack of bids. He also feels that interference from politicians and some personnel in the past have hindered the Municipality's ability to get additional bids. He further commented that no one currently sitting on the board has caused the problem.

Mrs. Kuhn stated that the alleged problems should have been brought to management's attention in the past so the employees could have been reprimanded, etc. She ensured that such behavior would not be tolerated and that no one presently on the board or in the municipality's employ was involved in such behavior.

Mr. Rege Burris asked why the work couldn't be performed in-house at the municipal garage. He feels adding one technician would save a large portion of the cost attributed to this contract.

Deputy Clerk Fitzhenry stated the administration has looked into this matter over the years and it was more cost effective to bid these repairs than to do them in-house. When you consider labor costs, fringe benefits, technical equipment required, turn-around time on repairs, etc. it was decided to continue with the contract.

Mr. Underwood made a motion to **TABLE** this resolution.

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

Mr. Palumbo made a motion to approve **Resolution No. 2009-038** awarding a contract to Vince's Electrical Service, for the Penn Hills Community Park Field Lighting Re-bid in the amount of \$129,700.00.

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

Mrs. Kuhn questioned grant funding on this project. She then commended the Girls' Softball Association for their donation of \$7,500.00 for this lighting project.

Mayor DeLuca also commented on the Girls' Softball Association donation. He commented that Mr. Jeff Bell and other representatives from the Girls' Softball Association were present in the audience and thanked them for their contribution.

Dr. Kincaid made a motion to approve **Resolution No. 2009-039** awarding a contract for the North Bessemer Sanitary Sewer Replacement Project for the Water Pollution Control Division to S & E Utility Contracting, Inc., in the amount of \$121,815.00.

Resolutions (Continued)

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

Mr. Underwood made a motion to approve **Resolution No. 2009-040** awarding a contract for the 2009 Penn Hills Dye Testing Project for the Water Pollution Control Division to Guardian Inspection Services in the amount of \$92,553.00.

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

Item for Consideration

Appointments were deleted at the beginning of the agenda.

Introduction of Ordinances, Resolutions, etc.

Council had no legislation to introduce at this time.

REPORTS – Mayor, Council, Manager, etc.

Mrs. Kuhn reported on a letter from Mr. Jim Getsy regarding Section 8 housing and a report from the Interim Manager regarding occupancy permits for such locations.

Mrs. Kuhn also addressed the development of a Wal-mart/Lowes at the East Gate Center and the outstanding issues on this property. She stated that the Municipality has worked long and hard to facilitate this development and they are working through the remaining issues, both with the developer and the other communities involved. She explained the need for inter-municipal agreement and execution of such agreements.

Mrs. Kuhn reported on the VoCollect Development and the issue of traffic patterns that are holding up the development. She stated Council is supportive of the development. The developer, adjacent property owners and Penn Dot need to resolve these issues before Council can take any definitive action on the zoning issue.

Mayor DeLuca spoke regarding mutual aid agreement and other inter-municipal agreements with Wilkinsburg for the Wal-mart development.

Assistant Solicitor Racunas spoke about three separate agreements that need to be executed for this development. The agreements are a mutual aid agreement allowing crossing of jurisdictional lines, the inter-municipal agreement which addresses how law enforcement will respond, etc., and the third agreement will be to decide how

REPORTS **(Continued)**

tax revenues will be handled from this property. He stated his office has drafted agreements for consideration by this Council in the next month or so, which can then be executed by Wilkinsburg thereafter.

Mr. Racunas also commented on the traffic issues and pending litigation on the VoCollect matter. He verified that it remains to be a Penn Dot issue and unfortunately these types of matters take considerable amount of time to resolve.

Mayor DeLuca commented that he attended a conference recently and he received information regarding pole-mounted video cameras and some potential grants for the cameras. He stated neighboring communities are using them and are impressed with the results they are having.

NOTE: Mayor DeLuca announced that Council would hold a brief Executive Session following the adjournment of the meeting 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.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

/s/ Diane Gionta Fitzhenry
Deputy Municipal Clerk

These minutes approved by Mayor and Council on April 20, 2009.

SEAL

