

May 4, 2009 Council Meeting Minutes

The May 4th meeting of the Penn Hills Council was called to order at 7:39 p.m. in Council Chambers of the Municipal Building, Mayor Anthony L. DeLuca presiding.

Approval of Agenda Items

There were no other 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: Mr. Underwood
Mayor DeLuca
Dr. Kincaid
Mrs. Kuhn
Mr. Palumbo

Also present were: Acting Manager Mohammed Rayan, Assistant Solicitor Racunas, Finance Director Ed Schrecengost, Water Pollution Control Acting Director O'Grady and Deputy Clerk Diane Fitzhenry.

Citizen's to Address Council

Ms. Joyce Davis spoke on behalf of the Lincoln Park Community Center. She thanked Council for their support of the center and discussed the various activities that are on-going at the center, including: classrooms and a family center through the Allegheny Intermediate Unit, the satellite library, food pantry, basketball programs, life skills, etc. She commented on the recently held food festival and encouraged council and the residents to attend the upcoming health fair on Saturday, May 9 from 9:30 a.m. to 3:00 p.m.

Proclamation – Zack DeLuca – Penn Hills Junior Wrestling

County Council Member Nick Futules presented a certificate of achievement to Zack DeLuca for his athletic accomplishments in wrestling having captured the 2009 Pennsylvania Junior State Championship in the 11/12 year old, 200-pound weight class.

Mayor DeLuca commented that he is very proud of his son. He explained Zach's involvement in wrestling over the past several years and his current accomplishment in both the Junior Wrestling Program and the Junior High Wrestling Program. He

Proclamation – Zack DeLuca (Continued)

acknowledged the importance of academics, along with athletic ability. He then presented Zach with a Proclamation outlining his accomplishments as follows:

ZACH was one of 19 athletes that competed in the 11/12 year old, 200-pound Weight Class. ZACH pinned his opponent in the second period, with an official time of 2 minutes and 56 seconds, to win the State Championship. He finishes his Junior Wrestling Season with **31 wins (of which 29 were pins)** and 2 losses; and his Junior High Season with **14 wins (of which 12 were pins)** and 0 losses.

Approval of Minutes

Mr. Underwood made a motion to approve the Minutes of April 20, 2009 Council Meeting, as presented.

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 May 4, 2009 including Journal Vouchers numbering 0 in the amount of 0; C. D. Requisitions numbering 14 in the amount of \$16,212.58; and Master Check Nos. 10997 to 11141 in the amount of \$634,159.70 making a grand total of \$650,372.28.

Mrs. Kuhn seconded the motion.

Mr. Joseph “Mickey” O’Connor questioned Check No. 11087 to Brimmeier and Associates relating to charges for Rayan contract. He asked if Mr. Rayan was going to be given a contract as manager, as he thinks it is a good idea to do so.

Mayor DeLuca stated that Council is interested in pursuing that option with Mr. Rayan.

Mrs. Kuhn questioned Check No. 11017 to Gateway Engineers as it relates to reimbursement for engineering expenses for Wal-mart and Lowe’s. She also questioned services for code and/or plan reviews; Check No. 11100 to General Recreation for the skate park as it relates to grant funding; Check No. 11002 to Centax for delinquent EIT taxes. She generally questioned expenses for auto parts and auto repairs.

Interim Manager Rayan responded to each of the questions posed by Mrs. Kuhn.

Expenditures (Continued)

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

Ordinances

Mrs. Kuhn made a motion to approve **Ordinance No. 2509** formal action constituting a debt ordinance under the Local Government Unit Debt Act, authorizing the incurring of nonelectoral debt by the issuance of general obligation bonds, in an aggregate principal amount not to exceed eighteen million dollars (\$18,000,000) at a rate of interest not to exceed six percent (6%); covenanting to pay, and pledging unlimited taxing power for the payment of, the bonds; establishing a sinking fund and appointing a paying agent; fixing the form, maximum interest rates, maturity dates, and other provisions for the payment thereof; covenanting to accept a proposal for the purchase of the bonds; authorizing a filing of required documents with the Department of Community and Economic Development; ratifying and directing certain actions of officers; and making certain other covenants and provisions in respect of the bonds.

Mr. Underwood seconded the motion.

Mr. Joseph "Mickey" O'Connor asked if this was the general bonds that were discussed previously whereby Penn Hills gets \$700,000, no additional term and a lower rate of interest.

Interim Manager Rayan stated that he was correct in his recollection of the details on this bond issue.

Mrs. Kuhn stated that a presentation was made at a previous Council Meeting on the details of this bond issue, but she restated for those residents who were not previously in attendance that this bond issue was at a lower interest rate than the existing bonds and that Council was not increasing the debt or extending the term. She commented that this refinancing was to save money for the Municipality and its taxpayers.

Deputy Clerk Fitzhenry and Attorney Tom Trimm stated that the paying agent should be listed on page 5 and 6 of the Ordinance as U.S. Bank. They mentioned this information, for the record, as the paying agent was not included in the public's version of the agenda packet.

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

Ordinances (Continued)

Mr. Underwood made a motion to approve **Ordinance No. 2510** authorizing the borrowing of one hundred thousand dollars (\$100,000.00) and authorizing the execution of loan documents between the Municipality of Penn Hills and National City Bank for the purchase of police vehicles.

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

Resolutions

Mr. Palumbo made a motion to approve **Resolution No. 2009-043** authorizing the destruction of municipal records in accordance with the PA Records Retention and Disposition Schedule.

Dr. Kincaid seconded the motion.

Mrs. Kuhn asked for clarification on the destruction of these records, which are dated 1995 through 2001 depending on the particular documents.

Deputy Clerk Fitzhenry stated that this is an annual housekeeping chore and it is done in accordance with all applicable state law. She explained that different documents are required to be kept for different amounts of time and some documents are considered permanent records, under the recently revised state records retention and disposition scheduled. She acknowledged that only the documents that can be lawfully destroyed are on this list.

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. 2009-044** authorizing the filing of a declaration of taking for the partial condemnation of parcels of land located in the Municipality of Penn Hills for the laying, erecting, installing, reconstructing, repairing, replacing, altering and/or removing of a sanitary sewer over the following properties: 1145 Jefferson Road, 131 McKenzie Drive, 1137 Jefferson Road, 1141 Jefferson Road and 1135 Jefferson Road.

Mr. Underwood seconded the motion.

Mr. Joseph "Mickey" O'Connor questioned the use of a resolution for this action instead of an Ordinance. He formally requested that the Solicitor provide documentation of the charter and code stating that this action should be done by resolution.

Resolutions (Continued)

Assistant Solicitor Racunas explained the legal opinion and its interpretation as it relates to this matter and the Eminent Domain Code.

Mr. O'Connor asked for a copy of the case cited by Mr. Racunas and Ms. Brimmeier's opinion on this matter. He stated he is willing to pay for the cost of the copies.

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. 2009-045** awarding a contract for the Jefferson Road Sanitary Sewer Replacement Project for Water Pollution Control to R & B Contracting & Excavation in the amount of \$201,668.00.

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. 2009-046** authorizing the municipal manager to execute all necessary grant documents relating to the 2009 American Recovery and Reinvestment Act Justice Assistance Grant and award of funds to the Municipality of Penn Hills in the amount of \$89,470.00.

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

Items for Consideration

Confirm appointment of Tom O'Grady – WPCD Director

Mayor DeLuca made a motion to confirm the Manager's appointment of Tom O'Grady as Director of Water Pollution Control Division.

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

Mrs. Kuhn stated that Mr. O'Grady is very knowledgeable and feels this should have been done sooner. The remaining members of Council concurred and wished him well in his continued service.

Appointments – Library Board

Mayor DeLuca nominated Mercedes Piesco for appointment to the Penn Hills Library Board.

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.

Council had no reports at this time.

DISCUSSION SESSION

1. PRESENTATION - H.T. Capital Markets (Chris Shelby/M. Rayan)
2. Strategy Solutions – Strategic Plan (Debra Thompson/H. Davidson)
3. DOE Grant – Johnson Controls (Chris Kaiser/H. Davidson)
4. Revised Senior Aid Guidelines (H. Davidson)
5. New Business (A. DeLuca)

6. **Public Comment Period** (3 minutes per person)

County Council Member Nick Futules discussed the recent PA Supreme Court decision involving Allegheny County Assessments. He explained that this ruling will be very costly to the residents and the County Council and Chief Executive will be meeting to discuss their options. He advised residents to stay alert to information regarding the assessments.

Mr. Joseph “Mickey” O’Connor discussed a recent rescue call on McAllister Drive, where the water had been shut off in the house for a long period of time. He questioned why Code Enforcement hadn’t removed the resident from the home.

Finance Director Schrecengost stated in defense of Code Enforcement that Wilkinsburg Penn Joint Water doesn’t notify Penn Hills when they terminate water service. He further stated that Oakmont Water Authority does notify Penn Hills so the appropriate action can be taken.

Interim Manager Rayan stated that he will follow up on this matter and report back.

Mayor DeLuca mentioned the In-Penn Hills magazine and urged people to use the publication to get news about upcoming events out to the public.

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

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 8:31 p.m.

Respectfully submitted,

/s/ Diane Gionta Fitzhenry
Deputy Municipal Clerk

These minutes approved by Mayor and Council on June 15, 2009.