

## **June 15, 2009 Council Meeting Minutes**

The June 15th 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**

The Mayor announced that Items for Consideration – Appointments was being deleted from the agenda. There being no other changes to the agenda, it 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:** Dr. Kincaid  
Mrs. Kuhn  
Mr. Palumbo  
Mr. Underwood  
Mayor DeLuca

Also present were: Acting Manager Mohammed Rayan, Solicitor Bonnie Brimmeier, Controller Theresa Sciulli, Finance Director Ed Schrecengost, Gateway Engineer Rick Minsterman, Planner Chris Blackwell and Deputy Clerk Diane Fitzhenry.

**NOTE: The Mayor announced Council would hold a brief executive session to discuss a contract issue. (7:42 p.m. to 8:11 p.m.)**

### **Citizen's to Address Council**

Ms. Rosemarie Mahone requested to speak on behalf of Friends United for Neighborhood Development regarding issues in the community, but failed to appear for the meeting.

### **Approval of Minutes**

Mr. Underwood made a motion to approve the minutes of the May 4, 2009 Council Meeting 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 June 15, 2009 including Journal Vouchers numbering 8 in the amount of \$2,216,917.17; C. D. Requisitions numbering 23 in the amount of \$121,194.55; and Master Check Nos. 11142 to 11500 in the amount of \$1,683,240.42 making a grand total of \$4,021,352.14.

Mr. Palumbo seconded the motion.

Mrs. Kuhn questioned the following Checks: No. 11435 to Cargill for winter salt; No. 11253 to Chester Engineers for UV design, PC; No. 11268 to Maiello, Brungo & Maiello for delinquent real estate collection; No. 11271 to McVay Plumbing for parks plumbing repairs; No. 11172 to Nick's Auto; No. 11277 to One Communication for phone service; No. 11393 to the Penn Hills Chamber of Commerce for membership dues; Check No. 11178 to USA Blue Book for WP harness vests; and No. 11497 to Vince's Electrical service for PHPK Lighting Project 09-038.

Acting Manager Rayan answered the questions on each check.

There being no further discussion, the motion was approved by a vote of 5 to 0, except Check No. 11157 to Don Kuhn Auto, which was approved by a vote of 4 to 0 to 1, Mrs. Kuhn being the abstention.

## **Ordinances**

Mr. Underwood made a motion to approve **Ordinance No. 2511** amending bond issue ordinance of May 4<sup>th</sup> relating to registered names of bond owners.

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

## **Resolutions**

Mrs. Kuhn made a motion to approve **Resolution No. 2009-047** authorizing an application to the U.S. Department of Energy for funding from the Energy Efficiency and Conservation Block Grant Program.

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. 2009-048** amending the five-year consolidated plan and community development budget year 34.

**Resolutions (Continued)**

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. 2009-049** amending the five-year consolidated plan and community development budget year 34 to distribute American Reinvestment and Recovery Act funding.

Mr. Palumbo seconded the motion.

Mr. Jim Carnahan voiced concern over the timing of fund from the federal government and expressed his appreciation to Chris Blackwell for his diligence in pursuing the funding.

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

Mr. Underwood made a motion to approve **Resolution No. 2009-050** authorizing the submission of the consolidated annual performance and evaluation report to the Department of Housing and Urban Development.

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. 2009-051** authorizing an agreement with Michael J. and Deborah J. Cassidy for construction within a sanitary sewer easement at 679 Sara Lane.

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. 2009-052** 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.

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. 2009-053** authorizing the mayor and manager to perform all administrative actions necessary under the U.S. Environmental Protection Agency's Federal Grants Program.

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

**Resolutions (Continued)**

Dr. Kincaid made a motion to approve **Resolution No. 2009-054** authorizing the execution of an agreement between the Municipality of Penn Hills and the Penn Hills Library Foundation for the acceptance of grant funding for the benefit of the Penn Hills Police K-9 Unit.

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

Mrs. Kuhn made a motion to approve **Resolution No. 2009-055** authorizing Fedele Insurance Services, Inc., the Municipality's insurance broker, to place the municipal insurances including coverage for the various fire companies' fire trucks and flood insurance for the policy year 2009-2010.

Mr. Underwood seconded the motion.

Mr. Chris Fedele explained that they contacted 23 carriers and provided 3 complete quotes for the Municipality's insurance coverage. He explained that the worker's compensation modification rating has been reduced for the first time in five years and this is a good thing for Penn Hills. He recommends continuing coverage with Traveler's Insurance mainly because of the worker's compensation program. He thanked the municipal administration for their assistance in obtaining and providing him with all the necessary information to complete the process in a timely manner.

Mrs. Kuhn thanked Mr. Fedele for all his time and dedication in providing service to the volunteer fire companies. She stated that Mr. Fedele met with the fire chiefs and took substantial time to explain all the insurance forms and to provide a great level of assistance to our volunteers. She noted that she personally appreciated his effort and knows his efforts were also appreciated by the fire departments. She also thanked Mr. Rayan and the staff for their diligence in providing the necessary information.

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. 2009-056** awarding a contract to Lutterman Excavating for the demolition of 7299 Verona Boulevard in the amount of \$5,250.00.

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

Mr. Palumbo made a motion to approve **Resolution No. 2009-057** awarding a contract to Jadell Minniefield construction Service, Inc., for the demolition of 2329 Main Street in the amount of \$16,950.00 and 7296 Mount Carmel Road in the amount of \$2,000.00 for a total contract of \$18,950.00.

**Resolutions (Continued)**

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. 2009-058** authorizing the execution of a settlement agreement and mutual release between the Municipality of Penn Hills and the Township of Wilkins regarding claims arising from the boundary dispute.

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

Mrs. Kuhn made a motion to approve **Resolution No. 2009-059** authorizing the execution of an intergovernmental cooperation agreement between the Municipality of Penn Hills, the Borough of Wilkinsburg, the Penn Hills School District and the Wilkinsburg School District regarding the redevelopment of the former Eastgate Commerce Center.

Dr. Kincaid seconded the motion.

Solicitor Brimmeier commented that an error is noted in the agreement and will need to be changed.

Planner Blackwell stated that page three of the agreement should drop Lot and Block No. 231-C-50 and No. 231-D-2 also on page four the document should read that 32 acres of property or 73% is located in Penn Hills and 12 acres or 27% is located in Wilkinsburg.

Mrs. Kuhn and Dr. Kincaid agreed to amend their original motion and second on a friendly basis and make the appropriate changes to the agreement.

Mrs. Kuhn commented that she was glad this matter was moving forward on Penn Hills side of the action and hoped that Wilkinsburg would take the necessary action to approve these agreements soon.

The motion was approved by a vote of 5 to 0.

Mr. Underwood made a motion to approve **Resolution No. 2009-060** authorizing the execution of a mutual aid agreement between the Municipality of Penn Hills and the Borough of Wilkinsburg for police and fire services.

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

**Resolutions (Continued)**

Dr. Kincaid made a motion to approve **Resolution No. 2009-061** authorizing the execution of a joint municipal agreement between the Municipality of Penn Hills and the Borough of Wilksburg for police and fire services.

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. 2009-062** authorizing the execution of a developer's agreement between the Municipality of Penn Hills and the developer's of the former Eastgate Commerce Center.

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

**Items for Consideration**

Appointments were deleted at the beginning of the meeting.

**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. Penn Hills Map/Brochure (D. Fitzhenry)
2. H.T. Capital (Chris Shelby)
3. Public Comment Period (3 minutes per person)

**Mr. Ed Zullo** commended Mayor, Council and Solicitor for completing the negotiations to get the Wal-mart and Lowe's Development moving. He voiced concerns over the number of empty buildings, especially in light of the bad economy. He suggested that Penn Hills consider a tax abatement program for new business, etc. He specifically cited Monroeville. He discussed LERTA (Act 76) and provided a sample resolution to the Mayor from the Munhall/Homestead area.

**DISCUSSION SESSION (Continued)**

**3. Public Comment Period (Continued)**

**Mr. Joseph “Mickey” O’Connor** stated the description on the agenda was vague for Resolution No. 2009-062 and the resolution and its accompanying developer’s agreement was not in the public packet. He asked if the resolution referred to the former Eastgate Center.

Solicitor Brimmeier stated that it was for the former Eastgate Center and the Resolution and accompanying agreement were being worked out through the end of the business day today, but she wanted to make sure it was on this evening’s agenda.

**Mr. David Wolfe** questioned the bubble that was discussed by Mr. Shelby in discussing a proposed bond issue.

Mayor DeLuca explained that the bubble referred to is an increase in debt service of almost \$1 Million dollars in 2013 and runs for three years and then drops back down. He stated that was the way the original bonds were structured by prior administrations and that the bubble would be similar to a balloon in a mortgage payment. This Council hopes to hold the sewer rates by funding the increase or bubble and extending the debt out an additional 7 or 8 years.

**Mr. David Wolfe** also asked if there was any need for public review or comment on the brochure previously discussed by Mrs. Fitzhenry.

Mrs. Fitzhenry stated that the copies provided were for Council so they could see what it would look like and we are pretty fixed on the final copy at this point, but she would be happy to provide a copy for Mr. Wolfe’s review.

**Mr. Jim McCollum** questioned the ALCOSAN portion of the sewer rates. He questioned if we would be better to hold the \$30 per quarter charge and not pass through any immediate increase from ALCOSAN.

Mayor DeLuca explained that the \$30 per quarter charge goes directly to the Municipality’s debt service and there is an Ordinance that requires the ALCOSAN pass through directly to the customer.

**NOTE: The Mayor announced that Council would hold a brief executive session to discuss personnel following the adjournment of the meeting.**

**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 9:50 p.m.

Respectfully submitted,

/s/ Diane Gionta Fitzhenry  
Deputy Municipal Clerk

These minutes approved by Mayor and Council on August 4, 2009.