

NOVEMBER 15, 2010 COUNCIL MEETING MINUTES

The November 15, 2010 Council Meeting was called to order at 7:41 P.M. in Council Chambers at the Municipal Building, Mayor Anthony DeLuca presiding.

Approval of Agenda Items

Mayor DeLuca responded Good Evening. We have to amend the Agenda under Expenditures. We are adding Check #16267 for \$3,100.00 – Penn Hills Fallen Heros Fund. The grand total for the Expenditures will now be \$358,795.88. We will have a little presentation for the check right after the Expenditures. The rest of the Agenda will stand as presented. Will you please stand for the Pledge of Allegiance.

Pledge of Allegiance

Council and the audience stood for the Pledge of Allegiance.

Roll Call

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

Also present were: Manager Rayan, Finance Director Schrecengost, Planning Director Davidson, Controller Futules, Engineer Minsterman, Solicitor Brimmeier and Manager's Secretary Sorce.

Public Hearing

Mayor DeLuca announced that we would open up the Public Hearing for HUD Year 37 Community Development Block Grant Program. Are there any comments? Mayor DeLuca announced we will close the Public Hearing for HUD Year 37 Community Development Block Grant Program.

Approval of Minutes

Mrs. Kuhn made a motion to approve Minutes of October 26, 2010 Special Meeting Minutes and November 1, 2010 Council Meeting Minutes.

Dr. Kincaid seconded the motion.

Dr. Kincaid voted yes to both.

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Mrs. Kuhn voted yes on November 1, 2010 and abstained for the October 26, 2010. Not in attendance.

Mr. Palumbo voted yes on the October 26, 2010 and abstained for the November 1, 2010. Not in attendance.

Mayor Deluca voted yes on both.

There being no further discussion the minutes were approved by a 3-0 vote.

EXPENDITURES
APPROVAL OF WARRANTS

Dr. Kincaid made a motion to approve the Master Expenditure Summary dated November 15, 2010 – Journal Vouchers (0) - \$0.00; C.D. Requisitions (8) - \$20,767.06; EECBG Requisitions (0) - \$0.00; Checks Numbering 16134 – 16246 plus the check the Mayor has indicated #16267 in the amount of \$3,100.00 for the Penn Hills Fallen Hero's Fund making a grand total of \$358,795.88.

Mr. Palumbo seconded the motion.

There being no further discussion the motion was approved by a 4-0 vote.

Mayor DeLuca announced that we will now have a check presentation for the Penn Hills Fallen Hero's Fund. I would like to thank Gateway Engineers for having the fund raiser for the Fallen Hero's Fund. For the fund raiser they were able to raise \$3,100.00 so I just want to say thank you to Gateway, it was a great thing. Mayor DeLuca called Lt. DeBasi to come up and receive check.

Lt. DeBasi thanked Mayor and Council and Rick Minsterman from Gateway Engineers.

Mayor DeLuca also announced that the unveiling for the Memorial will be December 5, so if you are available the public is also welcome and the Mayor announced to Lt. DeBasi he will be available to be there also.

Lt. DeBasi said they put the announcement on the Penn Hills School Sign, Comcast and all areas needed for the Public to see and they are all welcome because they are the ones that made it possible.

RESOLUTIONS

Resolution No. 2010-067

Mrs. Kuhn made a motion to adopt **Resolution No. 2010-067** awarding a three (3) year contract to Greenridge Waste Services, LLC D/B/A. Allied Waste Services of Scottsdale for the Collection and Disposal of Municipal Garbage and Recycling "Weekly Collection", in the amount of \$6,966,654.00.

Mr. Palumbo seconded the motion.

Mickey O'Connor, 1095 Maple Avenue – Simple question, how much more than before? Do you know Moe? The Mayor responded actually it is less, right Moe? Mrs. Kuhn responded thank you for asking Mickey. Moe responded it is \$400,000.00 less than what we are paying now. Mickey responded is that because we are doing less units or did the price just go down? Moe responded the price went down. Mickey responded good and thank you.

Mrs. Kuhn - I just wanted to make the public aware of the fact that Moe and his staff worked very very hard in sending out bidding and different avenues and it was a very successful endeavor because we were able to get a three year contract and very seldom do you get a new three year contract less than what the previous one was. So thanks Moe to you and your staff. Moe responded your welcome.

There being no further discussion the Resolution was approved by a 4-0 vote.

Resolution No. 2010-068

Mr. Palumbo made a motion to adopt **Resolution No. 2010-068** adopting the Municipality of Penn Hills Cafeteria Plan.

Dr. Kincaid seconded the motion.

There being no further discussion the Resolution was approved by a 4-0 vote.

Resolution No. 2010-069

Dr. Kincaid made a motion to approve **Resolution No. 2010-069** authorizing the filing of an application for funds with The Redevelopment Authority of Allegheny County, (“RAAC”).

Mr. Palumbo seconded the motion.

There being no further discussion the Resolution was approved by a 4-0 vote.

Resolution No. 2010-070

Mrs. Kuhn made a motion to adopt **Resolution No. 2010-070** authorizing the borrowing of \$40,500 and authorizing the execution of Loan Documents between the Municipality of Penn Hills and PNC Bank for the purchase of two (2) vehicles: one (1) Dodge Caravan and one (1) Ford Escape, for The Senior Service Center.

Dr. Kincaid seconded the motion.

Jim Carnahan, 201 Jefferson Road – I would like to know the status of these vehicles, they have been on order for some months.

Howard Davidson responded that the purchase of vehicles is in process. We had to wait for release of funds from CD, it is a Community Development Budget Purchase and I told Jim earlier that the bank is actually requesting this Resolution so one of the hold ups is this document so we are going to provide this for them as soon as possible and the vehicles should be available shortly.

Jim Carnahan replied thank you.

Mickey Oconnor – 1095 Maple Avenue – Is this a replacement or are we increasing fleet? What are we doing over there? Moe Rayan responded one increase and one decrease. The pick up is getting removed from the fleet replaced by the Caravan and addition of the Ford Escape. Mickey O’Connor replied is it getting like Public Works the fleet keeps getting bigger and bigger.

Moe Rayan replied we keep getting more seniors. Howard Davidson said that is the bottom line.

Mayor DeLuca responded that these vehicles are going to be used for Meals on Wheels. Howard Davidson said it is about \$10,000 a year out of the CD Budget.

Mrs. Kuhn – I just wanted to make sure as Howard just stated to the public that these are CDBG Funds and the payment for the loan will be paid through the CDBG Funds.

There being no further discussion the Resolution was approved by a 4-0 vote.

Resolution No. 2010-071 -

Mr. Palumbo made a motion to approve **Resolution No. 2010-071** accepting a Deed of Dedication from the owner of the property located on Royal Drive known as Lot/Block Number 446-R-194.

Dr. Kincaid seconded the motion.

There being no further discussion the Resolution was approved by a 4-0 vote.

Resolution No. 2010-072

Mrs. Kuhn made a motion to adopt **Resolution No. 2010-072** granting conditional use approval to National Church Residences for the construction of Senior Citizen Apartment Building, located at 6492 Leechburg Road.

Dr. Kincaid seconded the motion.

Howard Davidson – It is my understanding that Council Members were concerned that there were many conditions and I wanted to explain. This is a Conditional Use you are acting on this evening and the Final Site Plan has yet to go in front of the Planning Commission. The Planning Commission has a Preliminary Site Plan posted on the wall and in your packet. After your Conditional Use Approval this evening the developer will go back in front of the Planning Commission with a very detailed site plan that will include all of those

items. The applicant has no problems with any of those conditions and expects to meet them with his plan.

Mayor DeLuca – I guess my question would be this sewer module and storm management. Isn't that all done before hand? Howard responded these are things that are not routinely done before a Conditional Use Approval before a governing body. It is more likely with a Conditional Use Application you will see a Preliminary Site Plan and then they will prepare their Final Site Plan accordingly. If you are thinking that his plans are incomplete, that is not the case.

Mrs. Kuhn – The question is the only time this would come before Council would be tonight, so we are being asked to vote on a Resolution for Conditional Use, now if we pass this Conditional Use and you can refresh my memory from when I was on Planning, a Conditional Use means once this is approved the only use to go on to that is what is being addressed tonight. Is that correct or not correct? Howard said you are confusing a Conditional Use Approval with a Final Site Plan Approval by a Planning Commission. You are going to take action tonight on a Conditional Use and show that the general conditions of the Resolution are met and if you feel there are additional conditions necessary you can and should post them now this evening. Mayor DeLuca – sorry to interrupt you but here is the thing the sewer module we are not going to have any of that information if we wanted to post because we don't have any of the information. Howard – 90% of commercial buildings in this town have a sewer module, the Planning Committee approves it and you never see it, and you never will and don't because it is not a Conditional Use. It hasn't come in front of you in that format. Now I understand your concern, if you want to add a level on top for example condition #2 could be worded that you also want to see these drawings come back to yourself. You could rephrase that condition and say that after the Planning Commission approves the site plans you want to take a look at them too. But I don't think it is necessary. I think the Planning Commission is quite capable. Mrs. Kuhn – So what happens Howard and nothing disrespecting the Planning Commission because I was a Planning Commissioner for many years, but if Mayor and Council have to approve this then it is important for Mayor and Council to see it or otherwise it would only be for the Planning Commission and not come to us. So the question would be so let us say that we approve this Conditional Use so what happens if none or even one of these serious conditions are not met. Howard replied then they will not get a building permit. Mrs. Kuhn said so what will happen to the Resolution that we have passed now that the Conditional Use was not approved. Howard said it still remains in effect and

they do not get a building permit until all conditions are met. Mrs. Kuhn - Is there a reason why none of this was already put in place before we were asked to give the Conditional Use? Howard – the developer wants and needs to know if there are conditions, not routine conditions built into our Ordinance but important conditions that Council wants to impose on a developer, he wants to know that as he plans his project and as he proceeds to prepare very expensive development plans. The Final Site Plan in front of the Planning Commission is the last step in the process. The details that come after are routine. Mrs. Kuhn – right, like I said when I was on, the final site plans were details that were what the building was going to look like, but that is what Final Site Plans were. Maybe I need to ask Rick Minsterman this. Is this the way it should be done, that we pass the Resolution before any of these plans are in there? Should we have no concern that we do it this way?

Rick Minsterman – I haven't read the Resolution but the things that we are talking about are not uncommon. The real intent of the Conditional Use is two fold – one is to see if Council objects to the project in general – and therefore the developer may drop the project all together. So they want to spend as least money as possible until they get Council's buy in on the ideal. And then the types of things that are part of the Conditional Use you trust that your Planning Commission and your Planning Department and your Engineer will enforce these to code. You have that process in place already so I know there is a lot here and each Conditional Use Approval sometimes contractors skip it because they know the project will fly with Council and so they will do all the work, they will write the Final Site Plan and not even ask for a Conditional Use and just go right to final approval so in this case I don't really see anything that would be unusual. There are a lot of items that need to be done but that just means you are putting a lot of faith in all the entities after this process that they do get done correctly. Otherwise, the plan won't be approved, it can't be approved if all these conditions aren't met satisfactorily. Mrs. Kuhn – and if they are not met even though we are approving a Conditional Use for that piece of property that Conditional Use stays in place, is that right? Once we approve the Conditional Use, it stays in place but it would only be in place for a Senior Citizen Housing. Mr. Minsterman answered that is right with those specific conditions too. So for some reason he would come back and meet those conditions then it could go back to the Planning Commission and be accepted. Mrs. Kuhn – but if he didn't meet them it doesn't mean that something else other than the Senior Citizen Housing could be built on there. Mr. Minsterman answered no it is very specific with those conditions. Mrs. Kuhn – so if we pass this Resolution tonight, this Conditional Use is only for this use and if in fact one of these any number of these are not

approved or doesn't receive the permit from it then this fails but then it doesn't mean that something else can go in, we are only approving this for this particular project. Howard Davidson answered a Permitted Use could go in not a Conditional Use, a shoe store could go on the property and you would never see it, it would go straight to the Planning Commission. Mrs. Kuhn – my question is Howard would that go in if we did not pass this Resolution? Howard answered no, I said that earlier when I said they would not get a building permit – they would not get past the Planning Commission. Mrs. Kuhn – So if we pass this Resolution with all of these, and then we weren't able to get approval for the sewer module so then we are going to use something else to go in there. I just want to make sure that isn't what the case is going to be. Mr. Minsterman – you are approving that specific facility and the way it is laid out as they have presented it. Mrs. Kuhn – Correct. Mr. Minsterman – any change to that would require even if they changed the facility within certain limits they would have to come back for another approval. Mrs. Kuhn – they would have to come back to Council for another approval. Mr. Minsterman – that is right. If they couldn't meet these conditions and they decided to put something in that didn't require conditional approval, they could do that. Mrs. Kuhn – that has nothing to do with this. I just want to make sure that it has nothing to do with what we are voting on today. We are voting on something with nine conditions and some of the conditions are simple conditions but four of them are major conditions. Moe Rayan – I just want to ask if anyone is representing this. Howard Davidson – the applicant is in the audience. Moe Rayan - Could you come up please? I have a few questions. Do you have any objections to some of the items that you have in the conditions? I am Jeff Campbell, Architect. No, as Howard is stating everything here is a typical process we would ordinarily go through. Moe Rayan – yes NPDES – Sedimentation and it has to go down to the Conservation District and so on so the question is and to clarity to everyone why didn't you have them done. Jeff Campbell – just simple from a process standpoint. National Church Residences is a national developer and before putting all the money forward to do full engineering documents they just wanted to make sure that the Municipality was o.k. with it. This is a typical process that they would do. Moe Rayan responded those certain items here regardless you can't get an approval from DEP or Conservation District without having those. Other than screening the dumpsters maybe you would see objection to that but I understand the Planning Department would have it as a condition forcing the developer to stand up to our local Ordinance and so on. Mrs. Kuhn does that clarify anything. Mrs. Kuhn – yes it does clarify, like I said when I was on Planning I thought that when they came they had these in place but as long as we have a safe guard for that they will be put in place and that we are not creating any problem by

approving this Conditional Use at this point then that is fine. Moe Rayan – O.K., thank you. – Thank you Mr. Mayor.

Mayor DeLuca – Let me ask you this Howard, on that sewer module if we are going to approve this tonight can we have, would that be the first phase to make sure that system down there can handle the flow. Howard Davidson – yes a sewer module is required for development you can't get a building permit without it. It is a type of condition that you could take off the list right now but you are still going to be required to get that sewer module. It is going to be required for any development like this. Working on this project is the same organization, same architect and it is a very highly respected architectural firm, same architectural firm that is doing the housing down in Oakmont called The Waterfront Housing in Oakmont. We are fortunate to have them on board. Mrs. Kuhn – right, as I stated on the very onset Howard it is not that anyone does not want this to go into place that wasn't the question ever. Naturally we do want this to go into place and we have no problem with the firm but there were a lot of conditions that were being put on here that we needed to make sure were not going to cause a problem down the line. So all we were doing, we had no objection to the development in itself, but when you have a development and there are conditions of nine and it is the last time it comes to Mayor and Council and four of them are very serious conditions we just wanted to make sure there was not a problem as to why they were not in place before hand. But I think that question was asked and answered. Howard Davidson – ok.

Mayor DeLuca – I was just talking to the Manager – under the sewer module I would feel more comfortable before the final plan for the sewer module that Tom O'Grady has to sign off on those plans. Any other comments? So that will be on for the last condition. Mrs. Kuhn – do I need to put that into the Motion? Bonnie Brimmeier – Just that your motion is amended as stated. Mrs. Kuhn – o.k. my motion stands amended as stated by the Mayor that Tom O'Grady will have to sign off on the Sewer Module. Mayor DeLuca – that is before the final plan. Right? Sara Kuhn – before the final plan. Howard Davidson – it will happen before the building permit for sure. Most likely it is in the process already. Mayor DeLuca – so we will just leave it as Tom O'Grady has to sign off.

Mayor Deluca – now we are voting on the amendment to **Resolution 2010-072.**

There being no further discussion the amendment to the Resolution was approved by a 4-0 vote.

Mayor DeLuca – now we will vote on **Resolution No. 2010-072.**

There being no further discussion the Resolution was approved by a 4-0 vote.

Ordinance 2010-2528

Dr. Kincaid moved the adoption of **Ordinance No. 2010-2528** declaring certain areas of the Municipality of Penn Hills as blighted and deteriorated and prescribing a plan for abatement of property taxes on improvements or new construction which result in an increase in assessed valuation of the property in order to facilitate the development of these qualifying commercial and residential properties pursuant to PA. Act 76 the Local Economic Revitalization Tax Assistance Act, Act 42 for Residential Properties and Act 202 for New Residential Construction.

Mr. Palumbo seconded the motion.

There being no further discussion the Ordinance was passed with a 4-0 vote.

Items for Consideration **Appointments**

Mayor DeLuca – we have two reappointments:

John Vento – Wilksburg Penn Joint Water Authority
Karen Rafalko – Library Board

Mayor DeLuca made motion.
Dr. Kincaid seconded the motion.

There being no further discussion the appointments were made by a 4-0 vote.

REPORTS

Mrs. Kuhn – I just wanted to say on Sunday we did have the dedication of the three picnic pavilions at Universal Park for our Fallen Heros, Officer Connolly, Officer Schrott and Officer Crawshaw. It was a very nice turn out and it was very emotional and as I had stated even though the Municipality is the main Monument having them at these picnic pavilions I thought was a very good ideal because of the fact that when you come to a picnic pavilion you come for a good time, it is a picnic, a reunion, a sports event and there is a lot of children that are involved and when they come now they will see the names above the pavilions and when the young ask who were these officers they will be remembered to them as they are Penn Hills Fallen Heros. So I think it was a wonderful idea and I know it will be thoughtful throughout generations to come because of the fact that the pavilions were named in their honor.

Mayor DeLuca – Thank you.

DISCUSSION SESSION

Howard Davidson – The new CDC is interested in pursuing a \$20,000 grant from the County to further develop the Community Gardens on Jefferson Road. The application documents require a three year commitment from the land owner. The CD is requesting this commitment from Council to proceed and seek these funds. We assume that since the VDF is now seeking to develop the Penn Hebron School Property this is not an issue but we want to confirm this with Council.

Mayor DeLuca – I do not have a problem with that. Howard replied with you saying that tonight I don't think we will need any formal documents. If that is a consensus we will just proceed and have them submit the application.

Mayor DeLuca – Let me ask you this Moe is there maybe anyway we can donate a sign. Howard – let us see if they score on the grant and maybe we can put a real nice sign up there with the grant proceeds. If not, then they will come asking again and we can find other ways to help them. They do need a nice sign and Mayor DeLuca responded yes just to advertise what they are doing. Howard

said they are meeting this evening as we speak on other projects I hope as well. Moe Rayan – Mr. Mayor just one thing since the firemen were given the property or leasing the property from the Municipality probably as a courtesy asking them if it is not a problem with them, I don't foresee a problem, there is no intention of building anything in the immediate future, but out of courtesy just kind of run it by them just as we did at the beginning of the program this year.

PUBLIC COMMENT PERIOD (3 MINUTES)

Jim Carnahan – 201 Jefferson Road – Next Monday the 22nd there is a Budget Hearing at 7:00. Is this the Manager's Budget. Mayor DeLuca responded yes. Jim Carnahan – is there anyway that we can get a copy of that budget? Mayor responded it should be at the Library and it should be at the Senior Center, right Moe? Moe Rayan answered yes. We have them here displayed and it is also on-line. Jim Carnahan I don't have on-line. I would like to go over that budget before Monday night. Moe replied we have copies here. Jim Carnahan – can I get a copy. Moe replied sure. I will call in the morning to the Senior Center and send one down. Jim Carnahan replied thank you.

David Smith – General Manager for Greenridge Waste Services doing business as Allied Waste – I just wanted to come and introduce myself to Council and Mayor and wanted to thank you for awarding the contract to us. I know it is a bid process but it has been a pleasure for the past eight years to service Penn Hills and we are looking forward to meeting all your expectations in the next three years and if ever you need anything from us Moe is my contact information you can always feel free to give me a call. So I just want to thank you again and it has been a pleasure and look forward to the next three years.

Mayor and Council and Manager responded thank you.

Mayor DeLuca – We have to go into an Executive Session for a personnel matter.

ADJOURNMENT

Mayor DeLuca entertained motion to adjourn

Dr. Kincaid entertained motion to adjourn.

Mr. Palumbo seconded the motion.

Meeting adjourned at 8:26P.M.

MAUREEN M. SORCE
MANAGER'S SECRETARY

DATE