

JULY 18, 2011 COUNCIL MEETING MINUTES

The July 18, 2011 Council Meeting was called to order at 7:35 P.M. in Council Chambers at the Municipal Building. Mayor Anthony DeLuca presiding.

APPROVAL OF AGENDA ITEMS

Mayor DeLuca – Good Evening, we will call this meeting to order. Under the Discussion Session, the Wal-Mart Storm Sewer Agreement will be taken off. The rest of the Agenda will stand as presented. Will you please stand for the Pledge of Allegiance?

ROLL CALL

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

Also present were Manager Rayan, Planning Director Davidson, Finance Director Schrecengost, Chief Burton, Gateway Engineering Rick Minsterman, Attorney Brimmeier, Controller Futules and Secretary Sorce.

Mayor DeLuca – First we have a Presentation – Oath of Office for four new Officers. Hello Officers, I just want to welcome you to Penn Hills. I know you guys will do a great job and you will find out that Penn Hills has the best Police Department in Allegheny County so I just want to welcome you here. Council do you have any comments?

Mr. Underwood – I know you will do a great job.

Mrs. Kuhn – I just want to welcome all of you and say that we are very pleased to have you on our force and you will see that the people of Penn Hills are very friendly and please be careful.

Dr. Kincaid – I want to add my congratulations and welcome. We have been waiting on you a long time. Since one of you is a graduate of Penn Hills High School you can tell them what a great place Penn Hills is. Thank you and welcome.

Mr. Palumbo – I also welcome all of you. Thanks for coming.

Mayor DeLuca – Raise your right hands. I (state your name), (Officer Shawn P. Krah, Officer Nathan J. Laero, Officer Lukas J. Lauricia and Officer Steven M. Nave) do solemnly swear that I will support, obey and defend the Constitution of the United State of America, the Constitution of the Commonwealth of Pennsylvania and the Home Rule Charter and Ordinances of the Municipality of Penn Hills. I also swear that I will uphold, obey and enforce the law without consideration to a person's race, color, sex, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability. I will perform the duties of a Police Officer of the Municipality of Penn Hills, Allegheny County, Pennsylvania with honesty, integrity and fidelity, so help me God.

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve Minutes and I will read these separately, June 20, 2011 and Approval of July 5, 2011 Warrants List by Phone.

Dr. Kincaid seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote.

EXPENDITURES

Dr. Kincaid made a motion to approve the Master Expenditures Summary dated July 18, 2011 – Journal Vouchers – 0 - \$0.00, C.D. Requisition – 5 - \$19,100.00, EECBG Requisitions – 0 - \$0.00, Checks Numbering 18271 – 18399 - \$747,978.09 making a grand total of \$767,078.09.

Mr. Underwood seconded the motion.

Mr. Underwood – on page 11 of the invoices further down the page Nick's Auto Repair there is a check #18382 for two entries on one vehicles, first was for the Senior Citizens 96864 preventive maintenance and inspection, the last on that four check run was preventive maintenance again on that same vehicle. Now since we have not had our vehicle report list I cannot check into it. I thought I would have documents tonight showing what had happened but verbally I was told by the person that dropped the car off that the check oil light went on from Senior Citizen to Nick's and they checked it out and they were suppose to change oil, the very next day they had to take it back over from what I have been told to have them check that oil situation again and they charged them twice. I think we should have our Controller look into that and do all the reports to check into that especially from Nick's because preventive maintenance and I have repeated myself from several meetings ago last year there was one vehicle that had seven preventive maintenances out of twelve months. I don't understand. You don't have to do that that often. But somebody has to look into these documents. The very first one which was \$42.49 and the last invoice there on the same check was \$22.49 now I am not sure because I don't have the documents and I was suppose to get that this evening but preventive maintenance shows up twice within a short same day. I

don't understand and I hope somebody will explain that to me so that I don't have a problem with it.

Ed – that was two different things. They took it over for maintenance and then they took the vehicle and rode it around and then they take it back over because the oil light came on and they told them to do the oil change. Mr. Underwood – I thought originally it was taken over for an oil change. Ed – No it was regular maintenance the first time. Mr. Underwood – so they did preventive maintenance twice. Ed – but it was different dates. I questioned that two. Mr. Underwood – thank you sir. Mayor DeLuca – so it was two different things? Ed – No it was the same vehicle but I guess it was a new vehicle, they should have taken it back to the factory to get the oil light to get reset so the oil light would go off,, so whoever was driving took it back and said they needed an oil change. It was two different dates.

Moe – I will check on it Mr. Underwood. And in the future please let me know as soon as you hear something this way we can get it checked. Mr. Underwood – I did but I didn't have any documents and I was supposed to receive those tonight when I walked in. Moe – I understand that but perhaps maybe let the employee know to contact me when they have a question on that this way we can investigate it so it is not waiting too long. Thank you I will follow up.

Mayor DeLuca – let Moe investigate that before releasing that check. O.K. Ed.

Ed – O.K

Mrs. Kuhn abstained from check #18279 to Don Kuhn Auto Body for rental all others yes. There being no further discussion the motion was approved by a 5-0 vote.

RESOLUTIONS

Mr. Palumbo made a motion to approve **Resolution No. 2011- 048** awarding a Contract to Tresco Paving Corporation for the 2011 Municipal Paving Program for a Total Amount of \$613,001.20.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I just want to acknowledge, I don't know how much backup the audience has but I was glad to see Moe that there are 19 roads that are being paved. Moe – that is correct – Mrs. Kuhn - \$400,000 is coming out of the capital improvement and \$213,000 out of general fund and so this is a large portion compared to what we had done in previous years. So, I am very pleased and happy that this has been initiated.

Moe – Yes it is needed Mrs. Kuhn. The past couple of years we didn't have a decent program like we have this year, so we are looking forward to taking care of these

streets out there. Mrs. Kuhn – yes I am very pleased to see this come about. Moe – winter is rough around here.

There being no further discussion the motion was approved by a 5-0 vote.

Mrs. Kuhn made a motion to approve **Resolution No. 2011 - 049** approving transfer of a Liquor License No. CC-1193 LID 3105 into the Municipality of Penn Hills from Baldwin Borough, to Willock Social Association, 77 Universal Road, Penn Hills, PA.

Mr. Underwood seconded the motion.

Mrs. Kuhn – I just have one question and perhaps the Manager can help me on this. On the letter that was sent by Michael J. Hudock & Associates in regards to this it has that the Pennsylvania Liquor Control board does not require publication which is left solely to the determination of the Municipality. I didn't know Moe do we post for the public that a liquor license is coming in?

Moe – the attorney, Mr. Michael Hudock is here tonight, I am not sure of the answer to that question Mrs. Kuhn.

Michael J. Hudock – As I stated in my letter the Liquor Control Board does not itself have regulations that requires that a public notice be placed or advertised in the newspaper with regard to these kind of proceedings.

Mrs. Kuhn – right, I did read that. That is what I am asking the Manager. It stated that the Liquor Control Board does not and it says that is the discretion of the Municipality. I guess I am dating myself but I know years ago when something like this came up they did put notification on the business itself. Moe – yes on the business itself.

Mrs. Kuhn – so that is what I am asking. So it was publicized so that the public knew that this liquor license was coming. Is that correct?

Mr. Hudock – Well actually ma'am if I may, if I can explain the procedure – once we have approval from Council to proceed then the next step will be that we will post the premises with one of those big orange plackets and then that will put everyone on notice that the application for transfer has been filed and if there are any comments or objections by any members of the Community they will have their opportunity if they wanted to voice their concerns.

Mrs. Kuhn – that is what I wanted to make sure that the Public would be aware, but being that we are doing this now and then you put that up if there were concerns who then would they go to?

Mr. Hudock – they would go to the Liquor Control Board.

Mrs. Kuhn – o.k. I just wanted to make sure that the public did have an opportunity in case there was anyone in the area that was concerned about it.

Mrs. Kuhn – and I Just wanted to make one other statement. I see that also in your letter that you have in there that it will not involve any adult x-rated entertainment or activities and I know that Howard you can refresh my memory but I think it was my first meeting when I was on Planning Penn Hills does have an Ordinance for adult entertainment and it is not in that area but in another area so they wouldn't be permitted.

Howard Davidson – we have an Ordinance in place – Mrs. Kuhn – but isn't the Ordinance that we had to designate a certain area where adult things were permitted and it is not in this area is my recollection. Howard Davidson – the answer is yes to both questions. We have designated areas for sex oriented businesses and we have regulations on bars as well. Mrs. Kuhn – alright thank you very much.

Moe – I have a couple questions for Mr. Hudock. In reading your letter, is that a change of ownership, is that considered a change of ownership.

Mr. Hudock – no it is not sir. The members of the Willock Social Association are going to retain, it just so happens that Mr. White is a member and he will be the one who will be sponsoring it. Willock Social Association started out on Willock Street in Baldwin Borough and they lost their building about two years ago and they have been looking for a place to move so that they could preserve their membership and their association and Mr. White has agreed to accommodate them. The liquor license that is currently in place over at 77 Universal Road will be removed and placed in safe keeping upon approval of the transfer by the Liquor Control Board. So there will be only one license there and it will be the Willock Social Association license. Moe Rayan – Also by reading your letter you mentioned using the downstairs as a ballroom so is that increasing the load of occupants. Mr. Hudock – No no it is not. In fact anytime you go to the Liquor Control Board and you make an application for a transfer we have to supply them with the occupancy permits that we have and we will only operate within those which we are already permitted. Moe – O.K. under the 100 limit. Mr. Hudock – Yes sir. Moe - Using the downstairs I am not sure in past if they used it or not. I am not familiar with that. Mr. Hudock – Yes they have. They have used it for private catered events and things of that nature. And that would be most likely the use that it would be put to by the Association. Moe – I guess what I am getting at is if you are going to do some renovation work have you contacted our Code Enforcement Department. Mr. Hudock – At the present time what they intend to do is they just want to get the license transferred and then once it is transferred if there are any renovations that need to be conducted or completed we will certainly make sure that we make all the necessary applications with the borough. Moe – o.k. that sounds good, thank you.

Mrs. Kuhn – Being that this is being transferred now to Willock Social Club then the actual White Hawk Bar will not be open any longer, is that correct or is this going to be additional too? Mr. Hudock – no ma'am once the Liquor Control Board approves the transfer of this license then White Hawk Café will turn its license in. Mrs. Kuhn – yes that is what I assumed. Mr. Hudock – they will no longer be operating, there will only be one license there and it will be the association's license. Mrs. Kuhn – then you would have to be a member to go in? Mr. Hudock – yes you would have to be a member and sponsored by a member. Mrs. Kuhn – thank you.

There being no further discussion the motion was approved by a 5-0 vote.

REPORTS

Dr. Kincaid – I would just like to report briefly In regards to what we approved the Mural at the Swanson's property at Frankstown Road two meetings ago and the Manager wasn't present. What I want to report is it did start on July 5 and if any of you are in that area and want to look as it evolves and develops you might want to do that. In talking with the Manager, not the African American gentlemen that made the presentation but a young lady named Joy from Pitt she plans to include me in the Historical figures personality etc. from Penn Hills. In consulting with me of course I have only been here for twenty years so I don't know real historical people. My query is that if anyone knows of someone that you think whose picture or image should appear on one of those walls it would be good to contact the project director because they are moving forward and they plan to finish that project within the next month. I know we have had some historical people in Penn Hills some of whom I have just heard of such as Chuck Saunders and others but I don't have the knowledge of the persons whose pictures might need to be included and once the mural is completed then it is probably too late to add any of those historical images. Thank you.

Mayor DeLuca – I just have one report, I just want to commend the Planning Department. We got a good letter from HUD on our CD BG money. Some of the problems we had years ago I guess like not spending enough. Howard Davidson – it has been two years now we have gotten a good letter. Mayor DeLuca – make sure you tell your staff good job and keep up the good work. Howard Davidson – thank you. I wish I could report that the money is in, if you haven't heard people in the community are upset. We would be well under way with this year's money but this year's money is still down in Washington, D.C. Mayor DeLuca – do you think they would give us consideration next time to make sure we are meeting the goal? Howard – once the money comes it is good and it continues until we complete the project, what it hurts it hurts Reverend Hunt's Summer Youth Employment Program more than anybody probably. Maybe the YMCA a little bit, the food banks are waiting for money and don't have it. Once the food banks get the money they can spend it through the winter easily. The Summer Youth Employment Program is a potential problem. If they don't get the money until the end of August, the kids go back to school and I probably will be talking to you at a work shop about whether or not Reverend Hunt should run a winter program or whether we transfer the money to street paving or something like that. I hope we

don't have that problem. I hope it is just a matter of a few more days but the way it is going it could be worse. We could have a serious problem with the Summer Youth Employment Program but only aggravating problems with other projects. Some communities might have a problem missing the construction season for example with the street paving program or something like that but it hasn't gotten quite that bad yet.

DISCUSSION SESSION

Mayor DeLuca – Howard – Energy Consultants

Howard – Moe and I have discussed energy and neither one of us are energy experts for sure and you received a presentation last month by Energy Savers, Inc. which seemed to make a lot of sense and I was ready to move forward with a Resolution for you to enter into an agreement with them but we have been approached by two other people so we thought we would back off and talk to you and at least provide an opportunity for these others to submit proposals as well. Just wanted to make sure that that made sense to Council. I don't know one energy provider from another. I don't know how to write a spec for an energy company but I do have common sense and I think I could create an artificial deadline for companies to get in here with a proposal asking to give us their best information and package that information for you to take a look at others. To me it looks a lot like hiring a lawyer as a bond broker. How do you tell one from another? These companies evidently are going to make you an offer of kilowatt hours at 6.8 or 7.2 or whatever the numbers are on the eve of the day you sign an agreement with them because they fluctuate daily like bond interest. They fluctuate with the terms, they could be 20 to 24 to 30 months, and it will also depend on the length. So all I can do is get you the information and let you take a look at it.

Mayor DeLuca – Get a bunch of proposals and see who comes in with the best offer.

Howard Davidson – o.k. – It probably will delay the process a couple months anyway. It will take a month to create a deadline for them to meet, another period of time for you to look at it and then final Resolution. It will be a delay for awhile.

Ed – are the residents going to be able to buy into this?

Moe – some of them.

Howard – that is a good question Ed just asked. The one company that you have heard from already that is one of their specialties. They did that in O'Hara.

Ed – O.K. because I just got a letter in the mail today from I don't know who it was I didn't get to read it yet but it says cut your electric bill by 23%. I don't want to sign it if we are going to do it.

Howard – Obviously these companies are all free to write residence letters today. What Energy Savers wanted, they wanted to create a partnership with the Municipality by using the Municipalities name or maybe even our letterhead in promoting the program the taxpayer's collectively might benefit from. The details I have yet to see, but I know that that is part of their program. Now the other energy companies from what I can see don't bother approaching home owners they are only interested in larger customers.

Mayor DeLuca – let me ask you this Howard, can we gear it to whatever proposals we get and to whatever rate we get locked into if the residents of Penn Hills can jump in to that at the same rate. Howard Davidson – good question, I don't know. I will make a note right now.

Ed Schrecengost – In the fine print I think on that thing I got it says if you drop out of it before the time period there is a \$200.00 fee.

Howard – If I can give you a preview I know I don't think you would mind me giving you this preview. I have been approached by Don Sanker who has a relationship with a company that promotes their savings in a fashion that it benefits a charity. For example he is out with the Kiwanis Club right now. If he signs up a home owner under that companies name the home owner saves x amount of dollars per year and the Kiwanis club gets \$2.00 per meter per month. So there are some connections between charitable causes and some of these energy companies and of course those energy rates might be higher than some other companies that are just giving you the best possible deal. It is going to be apples and oranges perhaps.

Mayor Deluca – Get as many proposals as possible and let's take a look at it.

Howard – I don't have a budget for it. We have the press here tonight he could possibly write a story, we could put it on the web-page, I wasn't planning on doing formal advertisements, I wasn't going to spend a couple thousand dollars to put ads in the paper, do you agree with that?

Mayor DeLuca – yes, just put it on the web-site.

Howard – I just wanted to make sure you agreed not to spend money for legal ads.

PUBLIC COMMENTS

Mrs. Gledhill – I would like to know when they are going to update the Municipal Books because a lot of the things that are in the books are not there anymore. I just picked up a book a few weeks ago and there are quite a few things that are not in there and quite a few things that have wrong numbers.

Mayor DeLuca – which book? Mrs. Gledhill – it is a green Municipality Book.
Moe – you are talking about what Mrs. Gledhill? Howard – a little green one about this size. Mrs. Gledhill – yes, yes. Howard – It is old. I don't even know if I could find a copy. Mrs. Gledhill – Oh I have a copy. Howard – It is almost an historical document what she is talking about. Are you on line at all? Mrs. Gledhill – No I don't go on line.

Howard – we have the periscope that comes out once a quarter. The answer to your question is we have no plans to update that green book.

Mrs. Gledhill – I see. Also, there are some poles down on Azalea Drive that I called Duquesne Light about and they said when I have an emergency, then to call them. I guess what we are suppose to do is wait for the transformers to come down. The poles are very skinny. So I did call PUC and now Duquesne Light is calling me but I have not gotten anything back from the PUC or Duquesne Light. Moe – Mrs. Gledhill just come up to my office and give me that information and we will call our Municipal Rep. Mrs. Gledhill – o.k. thank you.

Patrick Varine – Just to add what Councilman Kincaid was saying about the Mural one of the things that really helped me get up to speed on Penn Hills History quickly and I am sure most of you have seen them is the Changing Hills Book that Jane Kim Hawkins wrote. If you want, I have Mr. Holbrook's e-mail address and I would be glad to e-mail him and have him stop by because I know they have tons of copies at the Library that he could look at and I am sure it would help him get up to speed on Penn Hills History too.

Dr. Kincaid – I think that is an excellent comment and I have written and published a couple of books and the problem about writing books is once it has been written that is conclusive. That is an excellent document and I am familiar with it and the reason I raised the question with Council there are stories and personalities and people that don't make the book and that was my query and concern that we don't leave out some historical persons in Penn Hills that some of the Council persons here know because they grew up with them. Around this table there is a wealth of historical knowledge that is not in that book. If I could add just one comment, I am an historian, I learned that one of the first wells in Penn Hills, fresh water wells is at the corner of Wilson and Frankstown and that well is still there and many people don't know it. It was the Wilson Farm. Mayor you know about that, but people like myself who came here 20 years ago and new comers so I appreciate that and I would like to have the web-site because I am meeting with these folks in the morning at 10:00 A.M. so that would be excellent. I just know that I would be surprised and I am sure that many people moving in, residents, taxpayers that really are customers they would be surprised in knowing what historical personalities that we probably have that lived in Penn Hills 30, 35, 40 years ago and that was my query. Thank you.

Mayor DeLuca – Howard for historical information we don't have a committee that collects – Howard – a committee of one whose name is Jane Hawkins, she wrote the book.

Mayor DeLuca – with that we will go into an Executive Session for Personnel Matter.

ADJOURNMENT

Mayor DeLuca entertained motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

Meeting adjourned at 8:11 P.M.

MAUREEN M. SORCE
MANAGER'S SECRETARY

DATE