

JANUARY 17, 2012 COUNCIL MEETING MINUTES

The January 17, 2012 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. The Agenda will stand as presented. Will you please stand for the Pledge of Allegiance.

ROLL CALL

**Present: Mr. Underwood
Mayor DeLuca
Mrs. Kuhn
Mr. Palumbo**

Also present were Manager Rayan, Planning Director Davidson, Solicitor Alexander, Finance Director Schrecengost, & Secretary Davis.

Mayor DeLuca- First up is citizens to address council. Friends United- are they here?

Rosemarie Mahone- Thank you Mayor Deluca and Council Members for this opportunity to speak with you on behalf of Friends United, for neighborhood development. I feel that I should give you a brief introduction of who I am and why I am here. My name is Rosemarie Mahone and although Penn Hills is not my primary residence, I do own property bordering Penn Hills. I grew up in the Lincoln Park Community of Penn Hills, went to Lincoln Park Elementary School, Seneca Junior High, and Graduated from Penn Hills High school. Currently, I am a semi-retired professional cardiac nurse. All the sediments of my youth are attached to Penn Hills and has spawned my interest and involvement with Friends United. Friends United is a non-profit organization of over twenty years, and is responsible for initiating many positive changes and community awareness. Inez Mahone, my mother, was a trained community worker and activist responsible for starting Friends United, The Penn Hills NAACP, the Lincoln Park Civic Center, the Penn Hills Multi Purpose Center, and many programs in the Lincoln Park Community center. She has passed on and many of her colleagues in these organizations have aged and retired. We are a new activist group of concerned citizens, interested in revitalizing fun, because we feel many of the advances made by Fun are being restricted, Programs dismantled and the needs of the Lincoln Park Residence ignored. Fun has immediate goals, short term goals and long term goals. Because every one of us is overwhelmed due to the enormous pressures of the modern society, I will try to cut to the chase and only discuss the two of our immediate goals. Number 1: The Restoration of the Basketball Court at the Lincoln Park Community

Center, and Number 2: The Restoration of the Voting Precincts to the Lincoln Park Community Center and the Verona Road Fire hall.

Regarding the basketball court, this has been a historical recreational outlet for our youth for over fifty years. And a tip was made to dismantle it in the early nineties, and residence, mainly Inez Mahone and Patty Ross, stood in front of the Bull dozer and prevented it. And the basketball court survived for a few more years but was allowed to deteriorate. The basketball court is the only recreational outlet for our young boys in the Lincoln Park area and the planners refuse to be proactive and maintain it, but hasten to dismantle it, at the request of one person, Ms. Joyce Davis. Ms. Davis falsely states that she provided the residence with information of the up coming CDBG proposals via a newsletter to solicit their input. No resident as of yet, has seen this newsletter, and it was not included in the list of programs submitted to me by Mr. Chris Blackwell in support of the programs provided at the Lincoln park Center. We want our basketball court restored this spring, because all of our residence were excluded from this decision making process. We are circulating petitions to be presented at the next council meeting for your consideration in correcting this injustice. It is unfair for this government to support a decision having such a negative and dispiriting impact on our youth made by one individual with no apparent interest or focus on our youth. A dumpster has greater importance and priority than our youth. Our second immediate goal is to begin working toward voter registration and voter education for our youth. According to the department of elections both of the voting precincts in the Lincoln Park area kicked them out, forcing the residence to move their voting precincts to the Penn Hills Multi-Purpose Center. We have many youth coming of age to vote, and we, Friends United want to direct them properly on how, when, and where to vote. The Multi-Purpose Center does not have regular bus service, and our youth do not have vehicles, also many of our elderly have been accustom to walking to the Lincoln Park Center to vote for over 50 years. This is a very discriminatory act, since both these voting areas are in predominantly African American Communities, and according to the department of elections, these are the only two, citywide, to have done this. After many unsuccessful attempts to contact Ms. Davis via three phone numbers and email, I called Mr. Blackwell for his assistance, for his help in having Ms. Davis respond to the reasons she kicked out the voters, to see if there was any way a group of concerned citizens could remedy the problem and restore the voting site. She immediately started to scream at me “who said I kicked them out, I never kicked them out.” I responded that I did not want to get into a he said she said argument with her but just wanted to know if she would reconsider and could I call her back in a few days for direction on how we could work together to remedy the problems, whatever they were. It is an important election year. Three days later, I called her back, her response was, “We can’t have it here because the gym is not handicapped accessible” I told her that a brand new parking lot was placed in the rear of Lincoln Park center, This parking lot is level and five feet from the gym entrance, she then stated that there was no bathroom facilities near the gym. Having attended the Lincoln Park School, I know the bathrooms are three steps down from the gym, near the old cafeteria, I attempted to tell her that the department of elections has a built in remedy for handicap persons, and it is called

absentee Ballot. So why displace an entire community on a whim with no truthful reason because the voting populous might include a handicapped individual. She hung up the phone on me and I received an email from her requesting that no one from Friends United Call her or email her again. Our intent is to pursue this through the Penn Hills NAACP where no department or municipal employee can or will encourage and condone such unprofessional, autocratic, and dictatorial behavior. I anticipate that at a city, state, and national level, someone in the NAACP will answer their phone and be as offended as I am by a local president who will not, and then blatantly demand that she not be contacted again to remedy an issue of such importance to community residence as access to their community center supported by their tax base for voting privileges that only occur 2 days out of 365. I feel that it is outrageous for this Municipal Government to support and uphold a director demonstrating this type of paranoia. Mr. Shawn Snyder of the Verona fire hall always answered me calls listened attentively and invited me to come to their monthly meeting February 13th to discuss the concerns. We will be presenting petitions and the next Council Meeting also for restoration of our voting precincts and computer printouts from the department of elections showing how this change has drastically affected voter turnout. Friends United wishes to be placed on the agenda. Thank you Mayor and Council, and all in attendance, for your patience, as I have tried to summarize a twenty year conflict in four pages. Thank You.

Mayor DeLuca- thank you. I do agree that we need a voting district up there, so we will try and figure that out. The basketball court is another thing that we could look into.

Howard Davidson- I think you will find that the people have a difference of opinion about the basketball court. We converted the basketball court into a parking lot after public hearings after requests from citizens to do so. Ms. Mahone might argue that that is not the case, it looks like we have a divided community over that use. The Parking Lot is almost brand new. It was last year's activity

Mayor DeLuca- Maybe we could build a basketball court somewhere in the vicinity.

Howard Davidson- I was going to go on to say that Ms. Mahone might not have been around for a while, perhaps she doesn't know we have fixed up the basketball court over at the Multi-Purpose Center. And that we have a basketball court at Ross Street Park.

Rosemarie Mahone- Sir I have pictures I will bring them next week, of the basketball court at the Multi-Purpose Center. The nets were hanging down; I also have pictures Mrs. Ross, who lives right across the street from the basketball court at Lincoln Park center who knows that the parking lot is always empty except for food bank day, One day out of the month. And there is a big dumpster sitting in the

middle of the parking lot and that is more important than our kids. And I think that is objectionable.

Howard Davidson- it's unfair to compare their request for a dumpster and a new paved parking lot for unconcern for the children. We are involved in a long process and all of us have concern for the youth and the Lincoln Park Community Center needs a dumpster somewhere, whether it is in the right spot or not is a debatable issue.

Rosemarie Mahone- Sir my last complaint is that Ms. Davis did say that she submitted a newsletter asking for community input. That is a lie. And I have asked her for a copy of the newsletter. Nobody has gotten it. Yes also, I have been away and I am back now, and the people I run into say the same thing, how could they just take down our basketball court. It is very important to us. If we had other recreational activities, that would be different, but the basketball court was the main one.

Aralita Carmax - 58 Torrence St. Well I haven't been absent from the community I'm 63 years old and I have lived in Penn Hills all of my life, in particularly Lincoln Park. I wasn't around because I had to take a sabbatical for a family issue, at the time the basketball court was leveled and dismantled. My grandchildren, all of my nephews and neighbors went to that basketball court everyday, even during the winter. We never received any information from anyone about concerned about how the community would feel about it. And I have talked to a lot of residents and no one had heard anything about it until the parking lot was there. Also, I didn't get to vote because I wasn't able to get there. I could walk to the other voting facility but where it is now, I couldn't get there.

Mrs. Kuhn- I just want to say that I did speak to Ms. Mahone in regards to the voting facility at Lincoln Park Community Center and I did contact the Department of Elections Division. What I had stated to Ms. Mahone when I spoke to her was, Mayor and Council do not determine where the voting is to take place, that is done by the Elections Division and by the people who give it. And that they have not voted at the Lincoln Park Community Center for over eight years. I did speak to the Fire Department and because of the fact that is where they were voting and the reason they aren't voting at the Fire Department which the Chief Shawn Snyder told me and then reconfirmed with me tonight before I came to the meeting was because of the fact that they have full time living quarters now. I know when it went from the Lincoln Park Community Center to the Fire Department, which I know was at least eight years ago. There wasn't that much of a stretch because it wasn't that far. The determination to no longer vote at the Fire Department was because they do have people living there now.

Ms. Mahone- I am meeting with him and he did say someone left tape on the wall and Department of Elections left a few signs that blew down in a lady's yard and she complained. They may work with us and remedy that. We could get a ten

person committee to make sure everything is cleaned up and he did express concern because they have to move their trucks out and people sleep there now. At least he gave me the courtesy of a conversation and invited me to the meeting I wasn't hung up on.

Mrs. Kuhn- Right, and that is Personalities, What I am saying is I did speak to him and he did call me again tonight and apologized because he could not come to the meeting. But he reaffirmed that the main reason for it was because of the people living there.

Gladys Nesbit- Good Evening Mayor DeLuca and Council Members I am Mrs. Nesbit 1832 Vanette Street. I will read two captions from the Penn Hills Progress Newspaper that leads to my question and concern. Number 1: November 2005 Mayor DeLuca stated that he will focus on revitalizing the Lincoln Park and Mill town Areas. Number 2: The use of LERTA by Dr. Kincaid states that council has been in contact with Allegheny County Officials to discuss the creation of affordable housing in Lincoln Park. Three: Mr. Davidson sent email to the new Penn Hills Development Corporation Housing Committee that the planning dept. will meet them and discuss some ideas about buying remodeling and reselling houses. I think he described it as flipping. Lastly, 11 properties are set for possible demolition in Penn Hills; six of the eleven are in Lincoln Park. When these six are demolished, six homes should be flipped or new ones in there place. My question is can these two programs, LERTA and flipping be combined so that the Lincoln park Area can have new or renovated housing. The operative word being revitalization, and when will this begin?

Mayor DeLuca- The LERTA Program as best I can tell you for the Friends United, You have to go out and find developers. If a builder comes in, we designate certain areas within Penn Hills and the Lincoln Park Community is part of it. If a developer comes in and build a house, the first year it's 100% tax free, second year 90% tax free, it's a sliding scale, the School District is on board and I believe the County is on board too.

Ms. Nesbit- How are residents informed of this program and how can they be involved.

Howard Davidson- It's on the website, in the newspapers and if anyone gives the Planning Department a call, we'll be glad to talk to them about it. It applies to anyone who builds a new home or anyone who builds an addition on an existing home anything west of Verona Road.

Mayor DeLuca- We actually received a call from an out of state developer that wanted to do the Senior Citizen Project off Saltsburg Road But we are not expanding the LERTA Program because the whole goal is to revitalize those areas.

Ms. Nesbit- So that is Priority and when is that to begin?

Mayor DeLuca- It's already in effect. We have to get developers to come in.

Howard Davidson- Council can't build a house but they can develop ways to encourage people to build homes, so they passed and approved the LERTA Program to encourage a developer to build a home or any individual to build a home or other people to build a home. They put the LERTA Program in place to encourage someone to do it. They can't use community development funds and Penn Hills Council can't build the house themselves.

Mayor DeLuca- It was just a policy that we passed to encourage people to actually build houses.

Lorraine Vincent- since you're discussing housing, I need to speak with someone in the Penn Hills Government regarding my Moms Property, which borders on Lincoln Park. Quite honestly, I'm a Heir and the taxes need to be paid on the property, I have an interest in doing that, however, every time that I have attempted to see how bad the property is, and I have certifications and property management experience, I have certification with sustainability in living, your police officers tell me that I am not allowed to be on my mothers property. They have done this for a number of years. It's a long history; I have no idea why they've done it. But, it has sentimental value for a lot of reasons that is the last property that my mother and father had purchased before they died. Your police officers have been very violent towards me, when I have attempted to fix the property. And while I am a fourth of an heir and there are other siblings, I am the only person outside of my parents that have paid taxes on this property. It is valued at over \$100,000.00 in the Lincoln Park area, which is rare. I do not want it to continue to deteriorate, and after listening and talking to these women, I would like to put someone in there or go back. I would like for someone from Penn Hills to tell me how I can get this resolved because I have an interest, because that is my parent's property. It is not in foreclosure, it is not a blighted property, we have put thousands of dollars into it, and I would like to see it restored. If someone would definitely contact me, and as I said my name is actually on my Mothers death certificate as identifying her body and your police officers have informed me that I am not a family member which is extremely humiliating and extremely disrespectful to my parents. This has been going on since 2005. I have written the Mayor, I've written Allegheny County, I've gone all the way to the white house, and I hate to say it but President Obama wrote me back about this issue before people with in the state of Pennsylvania have. It is not an issue that is going to go away. I love my parents very much and when your police officers saw me there, I have a permanent scare on my face I can show you, as to how violent they were with me. I have no criminal background; I am an honorable Veteran from the United States Army. I have attended Penn State and I am involved in this community. I want to get this issue resolved, I do not want my parents property going to sheriff sale, I want to see how bad the property is, and I would like to restore it and I would like to go back over to the community and try to settle some of the situations that have been going on. I grew up in Penn Hills.

Mrs. Kuhn- May I ask you a question? When you go on the property how do the Police even know you are there?

Ms. Vincent- I have no idea.

Mrs. Kuhn- When you are on the property and the police officers come up to you what is the answer they are giving you as to why you are not permitted on the property? Why are they involved? They had to have given you some reason.

Ms. Vincent- No, they really haven't. The last time I was in there I was with my fiancée. I pay the utility bills even though I don't physically live in the home. The water company had told me there was a problem in the home. I brought a plumber in, who had known me personally, I had installed several things since my mother's death on the property, he came in, he is very reputable. There was a knock on the door, I went to the door and there were two or three police officers that asked me to come outside and talk with them. They threw me, my fiancée, and the plumber out.

Mrs. Kuhn- I'm trying to get a scenario here. I can't imagine the police just coming and knocking on the door.

Howard Davidson- Can I ask who the Executor of the Estate is?

Ms. Vincent- The Executor of the Estate physically works in Braddock Hills, while he is my brother, he is not super human and he was not in the area at the time. What your police officers say is that a person that is in Braddock Hills at there job physically sees into Penn Hills and sees me inside the property. I have spoken with my brother, I don't know what the situation is but I am the person who is paying the money, I can show you receipts and more importantly that is my parents' home.

Mr. Davidson- Are you in litigation with your brothers and sisters over this home?

Ms. Vincent- Basically they have told me that they are not aware of why it is happening. Even if they have come in, your police officers have been to the point that one of them- I wrote down the date and the time that I saw him. He told me to physically get on the ground and crawl back onto the property.

Mrs. Kuhn- Do you have a name of the officer?

Ms. Vincent- I can tell you the last time I saw him. I wrote it down, He was physically directing traffic on Rodi Road, and he was a constable at the time. I have pictures of him; I have pictures of your police officers. The property has gone into ruins and regardless of what the situation is I am the only one who is going to pay those bills.

Mayor DeLuca- Are you sure it was a Penn Hills Police officer?

Ms. Vincent- Absolutely, he was a constable at the time he came to the property with two police officers. I know what your police cars look like because I have grown up in Penn Hills since I was eleven. I did take pictures of the constables, your Police officers when it occurred. It happened more than once. My interest to be very honest is that I just want to get in to see how bad the property is. I want it to be restored and I don't want it to be a blighted area in Penn Hills

Mrs. Kuhn- I realize that and it's a wonderful reason. But the thing of it is, this is a Public Meeting and at the Public Meeting you have made some serious accusations against our Police Department. And that is what I am concerned about.

Ms. Vincent- I wrote you and called, I wrote the Mayor and I can actually produce the documents.

Ms. Kuhn- I don't want to interrupt you but just to clarify one thing I have not had any contract from you.

Ms. Vincent- We have spoken. We spoke about three years ago.

Ms. Kuhn- Anyone who would have called me with an accusation of that point believe me I would contact. I would have to disagree with you there. But that is neither here nor there. I would like to know when these police officers come up to you at this property; they should have badge numbers on them. Is there some way that you have might have information of who they are.

Ms. Vincent- I have a document from Maiello, Brungo, Maiello, and you can see where I am an heir, I can show you my license plate.

Ms. Kuhn- I want to get down to why the officers are coming there and if they are in fact behaving in the way that you are stating they are behaving. That would need to be addressed. I need some information on that, other than just a comment.

Mayor DeLuca- you're saying he was a constable?

Ms. Vincent- I think he was a constable. I have contacted your Chief of Police, I have contacted you the Mayor, We were on the phone, and I assumed it was you (Mrs. Kuhn) Perhaps it was not because when I talked to someone they had told me to contact you. I can show you copies of the letters, Certificates of Mailings that they were mailed out.

Ms. Kuhn- You would have something to show that you have sent me a certificate letter?

Ms. Vincent- I didn't send it to you. I actually sent it to Mayor DeLuca when it initially happened. The violence that they did and believe me I have tried to resolve it in private with you, You did not respond and I can show you the letter and I can also show you the letter the came from the Chief of Police and the comments that he made.

Mayor DeLuca- Well the normal protocol is if I get a letter complaining about the Police I give it to the Manager and he gives the letter to the Chief, the Chief does the investigations and he will respond back.

Ms. Vincent- Well, I can show you the letter he responded back to and I don't think you would be very happy if that was made public. I responded to it, but I think you would be disappointed if you read the letter he responded back to. Because if you are hearing me speak and you hear the comments that he said that I made you would have serious concern. I do not speak Ebonics, I don't know if you know what Ebonics is, I don't really use slang, but Ebonics is like Black English which is improper English, I do not respond in that way. People who have known me for years would say that. But He basically stated that when his police officers came to the property that the person that they saw spoke in that way. The way that I speak to you is the way that I speak to my friends, the way that I speak in business, the way that I speak in school, I do a lot of volunteering, I speak publicly a whole heck of a lot and this is the way that I always talk and the way I would speak to anyone. So, I can show you the letter, I do have it in storage.

Mayor DeLuca- If you could give us the letter so the Manager could take a look at it and see how he responded back to you.

Mrs. Kuhn- We do need to know, I can't imagine, and if it is the case than it needs to be addressed I don't know why police officers would go to a home unless they were called and sent to that home. I need to know the whole history; this is the first knowledge I have of this happening. If this in fact has happened then the police officers need to come in and give their information also.

Ms. Vincent- Believe me I can show you the scares

Mayor DeLuca- For the Record what is your current address

Ms. Vincent- Currently staying on 5th Avenue in the city of Pittsburgh, They don't want me to come back to Penn Hills, I come back I'm a member of the CDC I have tried to check on the property. I have not physically been on the property in four or five years. But I do have an interest in bringing the property back to livability if it's not livable. I really couldn't tell you what it looks like. I do know that there have been a number of occurrences and as I have said I can provide you the plumber's name. He was physically there, he even said to the police he can tell them this is Ms. Vincent and this is her home. And they simply would not listen to it. I am not saying that it is all your police officers. I have lived in Penn Hills since I

was Eleven and you have some great Police officers, I'm not sure if they got incorrect information. I don't know what happened. I hate to bring it public but when I'm getting documentations like this, I need to get it addressed. My mother lived an orderly life and out of respect for her I would like to make sure her estate is handled properly but I can't do it when your police officers are doing that. I know that my brother at the time was physically at his job in Braddock Hills, so I don't know how he saw into Penn Hills, perhaps you can tell me that, but I can't tell you how he knew.

Mayor DeLuca- If you can give the Manager a call tomorrow with the information and get the letter to him from the Chief please.

Mr. Underwood- I have a question and it's a spin off from Howard, Howard's question that I don't believe was answered, from the family members, who is the Executor of the Estate and also are you people talking with other lawyers to dissolve the problem that apparently you are having with you own family.

Ms. Vincent- Basically as I can say, I'm not trying to be disrespectful but my mother did not have a white child, who physically came to the house who physically threatened to shoot me, was police officers and a constable.

Mr. Underwood- The question was who the Executor of Estate was.

Ms. Vincent- The Executor of the Estate, um to my understanding was two people, one would be James E. Vincent the other was Joyce Vincent. Joyce Vincent does not live in the state of Pennsylvania, she lives in Arizona.

Mr. Underwood- It doesn't matter you would have to speak to her.

Ms. Vincent- When I spoke with her she was not aware that these things occurred.

Mr. Underwood- It is my understanding that this happened four years ago?

Howard Davidson- What is the address of the Property?

Ms. Vincent- 1933 Lincoln Road Ext. It's in the name of Ella and James Vincent, which are my parents, When I have spoken with them and unfortunately right now we are dealing with the death of a child our niece passed away around Christmas she was four years old so all of us are dealing with that. We have spoken, I'm not going to bring up that issue, and it has been going on for a number of times. I never saw my sister or my brother during the times when the police and constables show up. Believe me Sir I would not lie on police officers, and I understand this is a public meeting but I have attempted privately to deal with it. I'm concerned because I'm receiving documentation and I'm concerned about my parents. I love my siblings but I love and respect my parents even though they are deceased.

Mayor DeLuca- One more question you mentioned a scare. How did you get the scare?

Ms. Vincent- Your Police Officer came into the house and slammed my face down on my mothers dinning room table.

Mayor DeLuca- When?

Ms. Vincent- I think it was February or March I have the exact date down, this happened in like 2005 or 2006 and I did write you and I did talk to you. I did call about it. Trust me that I did.

Ms. Kuhn- Again, if you have documentation that you called me then you need to give it to me. Because I am going to tell you right now, there is no one who would give me that type of information and I wouldn't follow through with it. You are saying you never wrote me but you thought you had spoken with me.

Ms. Vincent- No, the person that I spoke with at your municipality gave me your telephone number told me that this was you, Did I see you through the phone no they said that if I had written the Mayor and had not received a response it had been several years, to try and contact this person, they gave me your telephone number, it was a home telephone number, I talked to the person that I believed to be you for about 45 minutes to an hour. I was very specific. I have pictures of the day that a variety of things happened. Unfortunately, when I was video taping the people that were on the property, which were you Police Officers and Constables. Because blood was gushing out of my head.

Ms. Kuhn- and you have video of that?

Ms. Vincent- You would probably have to speak with the police officers that came into the home because when I returned to the property the video camera was gone. I can not say what happened, I know where I set it in my mothers home

Ms. Kuhn- And the day that happened did you call and give a report to the Police Department.

Ms. Vincent- Actually I couldn't because your Police Officers told me I was never to return to the home and left my dogs inside the property

Ms. Kuhn- you didn't call or come up to the Police Department to give a report?

Ms. Vincent- Your Police Officers brought me here with blood spurting all over my face, and I was never given, to be very honest with you, I was never even given medical care.

Ms. Kuhn- So they brought you from the location to the Police Department

Ms. Vincent- Yes

Mohammed Rayan- Mrs. Vincent if you could write your phone number down and we can handle this. I will talk to you tomorrow.

Ms. Vincent- Ok and as I said I am very sorry to bring this public but it is going on five to seven years and it has not been resolved.

Mayor DeLuca- No, I mean you have to bring it Public, Like I said the procedure is, because I'm not a Police Officer, Any letter you send me would have gone to the Chief, to investigate the matter and then however he responded back to you, I don't know, So you have to give us copies of the letter so we know how he responded back.

Ms. Vincent- I actually wrote you because when he responded, I was highly offended by his remarks, I do not speak Ebonics and I do not speak improper English, and no one will tell you that I ever speak slang. I am this way in Public and I am this way in Private this is the way that I speak and I speak like this consistently. And the responses of the person they said that they say definitely was not me. No one else was occupying the house at that time other than me and two dogs and you know dogs don't speak.

Mayor DeLuca- If you could give the manager you phone number.

Ms. Mahone- I have a comment, I have some things with the Police that have concerned me over the years. Is there a statute of Limitations? Ok, my Situation is that I own property that borders Penn Hills, It's in the City but across the street is Penn Hills. Sometime in 1998 or 2000. There were some cell phone people sneaking onto my trying to lay cell phone lines. It was right after 9/11 and everyone was concerned about super structures because it's near a water tower. We were being warned to watch for strange people around water towers. I was called because these people were up there with flashlights trying to lay these cell phone lines, and when I went up, there was a Penn Hills Officer guarding them, I didn't address it with Penn Hills, and I have the name and badge number, but I didn't address it with Penn Hills I addressed it with the City. That's what I wondered is there a statute of limitations for that, number one. And number two there is a gazebo on Mt. Carmel Road that we've been meeting at from time to time through out the summer doing petitions and networking on how we can work in Lincoln Park, Every time we've been there two police cars have come up, parked and sat there and watched us, and we have little kids, were just drinking soda sitting at the gazebo, I just wanted to know if you could address that with the police officers because it's intimidating, we would like to know why they feel that every time someone is sitting

in the gazebo having a discussion, drinking a soda with a bunch of little kids that they have to park there police cars there.

Mr. Alexander- Ms. Mahone with regards to the issue of whether there is a statute of limitations, I'm not a criminal attorney and I really can't give you any criminal advice but I can tell you, there is a statute of limitations on any criminal offense except for murder, there is no statute of limitations, so if you were to contact someone who is knowledgeable in criminal law that can give you advice. Regardless of what the issue I'm not permitted to give you advice here from this table but there certainly is a statute of limitations on that issue.

Mayor DeLuca- Next, I have a motion for the approval of minutes of December 19, 2011-

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve minutes of December 19, 2011 Council Meeting, December 30, 2011 Special Meeting Budget Adoption, January 3, 2012 – Re-Organization Meeting.

Mr. Palumbo Seconded the Motion.

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

Mr. Underwood abstained item a, and b and yes to Item c.

EXPENDITURES

Mr. Palumbo made motion to approve the Expenditures and Approval of Warrants Date December 17, 2011 Journal Vouchers 0, C.D. Requisitions 0, EECBG Requisitions 0, Masters 20049-20084 \$406,183.87 Total \$406,183.87.

Mr. Underwood seconded the motion.

Ms. Kuhn- Mr. Mayor I have a comment, I did speak to manager about this page 3 Check 20071- Nicks Auto- small amount. Mentioned to the Managers with the new police cars that we brought in and with the two new Ambulances we have now on the road and we are getting 4 or 5 new police cars in our Budget

Moe Rayan- That's correct we just took delivery of 4 new vehicles and 5 more will be ordered and we are hoping to take delivery on them in mid year.

Ms. Kuhn- with nine new, well with right now we have 4 new ,and hopefully the other five will be coming shortly and the new ambulances, I'm hoping that will enable us have a maintenance costs go back as far as repairs.

Mo Rayan- That's the hope, yes.

Ms. Kuhn- On Page 5 check 20084 to Yukevich and Marchetti , this is for filing fees or advertisement I believe for DeNinno and Whiteford, I just want to be on record, I know I am on it several times regarding this, I just find this appalling that the tax payers are paying so much money for these cases that seem, in my eyes, to be frivolous, and just keep going on no matter what the decisions come up, that they continue, and I hope that in some point in time we can finally finalize this.

Moe Rayan- I understand Mrs. Kuhn and we are hoping to end both issues shortly. There are a few more issues that are continuing and we hope to put an end to them soon.

Ms. Kuhn- I know that we can't discuss legality in cases but I wonder at a point in time can we ever present to the courts that no matter what they, and I know it's the law that you can appeal and appeal, but will be ever get to the point when the courts will say this is frivolous and a waste of tax payers money.

Mr. Alexander- that is actually one of the things that has happened in the Whiteford Case, The superior court did make a determination that it was frivolous and that is one of the issues that Mr. Rayan is talking about is that there is a hearing in Allegheny County to determine how much attorney fees the Whiteford's need to pay back to the Municipality for filing those frivolous actions.

Ms. Kuhn- That would be great. Thank You

Ms. Mahone- Have you determined the amount that tax payers are paying on these cases.

Ms. Kuhn- I don't think until they are really finalized that we can give that information.

Ms. Alexander- The Case is on going.

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

RESOLUTIONS

Mr. Underwood made a motion to approve Resolution No. 2012-001- awarding a contract to McMeekin Contracting for the Home Repair Consulting and Handrail/Grab Bar Installation.

Mr. Palumbo seconded the motion.

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

Mr. Underwood made a motion to approve Resolution No. 2012-002- awarding a Contract to Online Solutions, LLC for the Code Enforcement and permitting Software.

Mr. Palumbo seconded the motion.

Patrick Varen- Penn Hills Progress- I'm just curious what will the new software enable to Code Enforcement Department to do.

Mayor Deluca- This is one of the things that we have our meetings. Code was stating how much time it is to do everything by paper then re type it into the computer system. With this program they will I believe get a tablet to be able to do it electronically and then upload it to the system

Howard Davidson- Patrick you'll be happy to see that there is a public connection button to the program as well, so you can track a complaint, you can find out what inspector will have that complaint, so you know what inspector to call. The list goes on as the new technology that is available for the inspectors; and this is going to help them a lot.

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

Mr. Palumbo made a motion to approve Resolution No. 2012-003- authorizing the exercising of the option to renew the Time and Materials Contract for Plumbing Services with McVay Plumbing Company for 2012 and the 2011 Time and Material Rates.

Mr. Underwood seconded the motion.

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

Mrs. Kuhn made a motion to approve Resolution 2012-004 authorizing the exercising of entering into a third year option (02/01/12 to 01/31/13) with Environmental Service Laboratories, Inc. to furnish all Material, Labor, and do all work Sampling and Testing NPDES and DMR's for The Water Pollution Control Departments.

Mr. Palumbo Seconded the motion

There being no further discussion the motion was approved 4-0

Mr. Palumbo made a motion to approve Resolution 2012-005-approving the Community Development Application, Action Plan for 2012-2013, and the Home Program.

Mr. Underwood seconded the motion.

Howard Davidson- Resolution to Home Program has no funding the municipality is a member of the consortium with the Allegheny County and McKeesport making us eligible for home funds. So we are eligible for home funds should a developer approach the county and want to build housing in Penn Hills. It is possible that it could be combining with LERTA at the same time.

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

Mr. Underwood made a motion to approve Resolution 2012-006- amending requirements for Backyard Pick-Up Services for Garbage and Recycling Collection for Penn Hills Residents.

Mrs. Kuhn Seconded the motion.

Mayor DeLuca- Basically this resolution ups the income level from 15,000.00 to 18,000.00

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

Mayor Deluca- We will adjourn this meeting to go into Executive Session for personnel matters.

ADJOURNMENT

Mayor DeLuca entertained motion to adjourn.

Mr. Palumbo made a motion to adjourn

Mr. Underwood seconded the motion.

Meeting Adjourned at 8:32 P.M.

Sheree A. Davis
Secretary of Purchasing

Date