

OCTOBER 1, 2012 COUNCIL MEETING MINUTES

The October 1, 2012 Council Meeting was called to order at 7:32 P.M. in Council Chambers at the Municipal Building.

APPROVAL OF AGENDA ITEMS

Good Evening, we will call this meeting to order. We are going to delete the Proclamation from tonight and also Resolution No. 2012-056 will be deleted. The rest of the Agenda will stand as presented. Will you please stand for the Pledge of Allegiance?

ROLL CALL

**Mrs. Kuhn
Mr. Palumbo
Mr. Underwood
Mayor DeLuca
Dr. Kincaid**

Also present were Manager Rayan, Secretary Sorce, Planning Director Davidson, Finance Director Schrecengost, Solicitor Alexander, Gateway Engineer Rick Minsterman and Controller Nick Futules.

CITIZENS TO ADDRESS COUNCIL

Mayor DeLuca – Gerald Schiller

Gerald Schiller – 123 Fayburn Court – you will have to excuse me I haven't gotten my hearing aid yet. The Progress doesn't have a letter to the Editor so I have given each of you or anybody interested a copy of my response to Chief Burton's comments that appeared in last month's Progress as a result of my questions to the Council about the Crime Watch Program. As I said at last week's Council Meeting residents in the 15147 Zip Code have been kept completely in the dark about crime in Penn Hills because of the non-existent Crime Watch Program and the fact that we don't get the Progress mailed to our house because of the Zip Code. The local paper that used to contain

the Crime Watch, The Police Blotter Section, I say used to because suspiciously there has been no Police Blotter Section for the past month since I asked to be added to the weekly e-mail list on crime that was being sent to the local paper. The question now is will Penn Hills stonewall the newspaper on crime information in Penn Hills. I know there are some people in Penn Hills who think that there are too many reports of crime in Penn Hills and it makes Penn Hills look bad. They live in a fool's paradise and would be delighted if no crime was published except if it happened to them or their street. I wish to thank Mr. Rayan for his e-mail telling me that the information on crime in Penn Hills is public information but I am not happy about the hoops I or any concerned citizen of Penn Hills has to jump through to look at it. Not copy it, look at it. This information should be on the Penn Hill's website daily or e-mailed to anyone who requests it as Officer Lynch was doing a year ago. Question, is this why Officer Lynch was taken off Crime Watch Detail? – was he giving residents too much information on crime.

Mayor DeLuca – he resigned from his position.

Mr. Schiller – yeah, we know how people resign. It is unconscionable that there is an effort by some people involved in Penn Hill's government to minimize or keep residents in the dark about crime that is occurring in their neighborhoods.

Mayor DeLuca – thank you.

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve the Minutes of September 4, 2012.

Mr. Palumbo 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 Expenditures: Approval of Warrants dated October 1, 2012. Journal Vouchers 0 - \$0.00, C.D Requisitions 15 - \$119,040.24, Master 22269 – 22507 in the amount of \$1,750,863.55; Grand Total - \$1,869,903.79.

Mr. Underwood seconded the motion.

Jim Carnahan – 201 Jefferson Road – I have been looking at this CD Requisition List for quite a few years now, I believe this is the first I have ever saw this on here, reimbursements of salaries.

Howard Davidson – he doesn't see it because it only pops up maybe only once or twice a year, once or twice a year we draw down salaries from Federal Government, part of the Planning Department's salaries are paid for with CD Budget within the last three years I would say.

Jim Carnahan – O.K. – I just want to make a comment again about Nick's Auto. I remember one month it was \$8,000 plus, last meeting it was \$18,000 plus and this meeting it is \$6,000 plus. What is he guaranteed on his Contract, what does his Contract call for? Not to exceed a certain amount of money.

Moe Rayan – yes, he has a not to exceed for the term of his Contract, but the monies you see here that includes the parts and labor. If you remember Mr. Carnahan a couple of months ago we had an overlap in the bills so you were seeing a couple months because we were down to one meeting a month so you saw an overlap in some of these in addition to that a couple of vehicles had some repairs.

Jim Carnahan - o.k. thank you.

There being no further discussion the motion was approved by a 5-0 vote. Mrs. Kuhn abstained from check #22462 to Don Kuhn Auto Body in the amount of \$600.00, yes to all others.

RESOLUTIONS

Mr. Underwood made a motion to approve Resolution No. 2012-057 ratifying the action of Mayor and Council in Executive Session on September 4, 2012 authorizing The Municipal Manager to enter into a sales agreement for Real Property.

Mr. Palumbo seconded the motion.

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

Mr. Underwood made a motion to approve Resolution No. 2012-058 adopting The 6-Year Capital Improvements Program of 2012-2017.

Mr. Palumbo seconded the motion.

Mrs. Kuhn – we will adopt this in our January meeting is that correct Howard?

Howard Davidson – yes we should adopt it before we adopt our regular Operating Budget , it doesn't have to be adopted tonight on the other hand if you feel it is in order and you have no comments so to speak, no desire for changes, you can go ahead and adopt it this evening, it is set up that way.

Mrs. Kuhn – so when we vote on it tonight Mayor is this voting for adopting?

Mayor DeLuca – yes.

Mrs. Kuhn – o.k. then I just have two simple questions. I know that it is 100% Federal Funded is that correct Howard?

Howard Davidson – the CD portion, first of all the Capital Program there is no money it is a combination of a wish list money and real money. I think you asked the question in regard to the CD Program, the last section CD Program is fully 100% Federally Funded. Other portions are funded by carried over balance from what is left in the Capital Budget and this year's Capital Budget, most of the funds will be spent and there will be small balances left over and they will be moved forward. As you get into later years 2014, 15, 16, 17 the Mayor is absolutely correct that it becomes and called the wish list. So it is a combination of the three. I do want to point out I passed out a revised one this evening that has 2.7 million under Consent Decree Compliance under the Water Pollution Control line item towards the bottom under Water Pollution Control the one we had before had zero in there and you know you spent about \$2.6 million this year on Water Pollution Control, unfortunately we are not at a zero level and probably never will be but as you see that kind of number gets carried out throughout a six year period and it is the same for a lot of our accounts. I think the change would be is there something on the wish list that you don't think we ought to be wishing for that you want to direct me to take off, if there is something on here that you want to tell the public that we have hopes for and we would like to see put on and I could add it on, if this pretty much reflects what we are going to do over the next six years or hopeful then you can go ahead and adopt it.

Mrs. Kuhn – so I realize Howard that the Capital Budget is what we present with our Budget that we pass at the end of the year. The questions that I have are relating to our CD and you have on here that we have approximately 5.7 million dollars projected over the next six years. So the CD is also basically just a wish list and when we look over at this the ones that are in 2012 are the ones that we have funding for and then the 2013 are what we are anticipating, is that correct?

Howard Davidson – yes and I think you should take a close look at 2013 and it will give you a real good idea of what you are going to see next month at the CD Hearings and what kind of Budget you are going to be looking at around January. CD becomes no different than some of the others when you get into 2016 and 2017 we are less sure of the details on how we are going to spend CD money. It is fully funded and you can count on those Federal Funds continuing I think.

Mrs. Kuhn – now we don't know if the Federal Funds could be lessened with some cuts, correct?

Howard Davidson – they could go up, they could down.

Mrs. Kuhn – right, so what would transpire if we adopt this tonight, the people that want to come into the audience with their wish list they come in in the months to come with what they are asking for is that correct?

Howard Davidson – there is an abundance of opportunity for them. This evening is their first opportunity to come in front of you and say pave my street or lobby for a park project. If you had a citizen group that wanted to lobby for a project tonight would be the night to do it.

Mrs. Kuhn – that is my question is with the CD if we would adopt this tonight even though we are adopting what you have proposed here does that still permit people to come in and ask for something to be put on the CD Program?

Howard Davidson – absolutely, I wanted to say that it is only their first opportunity and then they will have an opportunity again at the CD Hearings and to be fair they have that opportunity even after you adopt the CD Budget and we can amend it. It just becomes more difficult at that point in time.

Mrs. Kuhn – that was my question because like I said the Capital if what we do when we do our Budget but the CD I just wanted to make sure if we were adopting this tonight that those people who might not be here tonight will still have the opportunity to come in whether it is something for a Football Association, Baseball Association for whatever they do have the ability to come in afterwards and still be put on the list?

Howard Davidson – absolutely.

Mrs. Kuhn – o.k. thank you.

Ed Schrecengost – Howard isn't that usually passed in February.

Howard Davidson – January. So they will have a formal Public Hearing between now and January and again another opportunity for them and suppose next June something comes up well next June we can open up the CD Budget have a Hearing revise the Budget and address that issue so they are all possible.

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

Mr. Palumbo made a motion to adopt Resolution No. 2012-059 awarding a contract to Professional Mechanical Sales & Services, Inc. for the purchase and installation of The Plum Creek WWTP Air handler Project.

Mr. Underwood seconded the motion.

Mrs. Kuhn – Just one question I see that there were three bids and that J.B. Mechanical when it is showing the bid it has \$12,823 but then it has an asterisk that the total price given for the bid proposal is \$30,000 is that correct Moe?

Moe Rayan – The \$30,000 is correct.

Mrs. Kuhn – and is there any funding that comes through Plum Borough?

Moe Rayan – that is all calculated at the end of the year any improvements made to the plant based on their consumption they have a consultant that was agreed upon that calculated their portion of the cost for the entire year.

Mrs. Kuhn – so this would be put into that package and at the end of the year this would determine what their percentage would be?

Moe Rayan – that is correct.

Mrs. Kuhn – thank you.

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

REPORTS

Mrs. Kuhn – I just have one report the School District Superintendent had contacted me about and he was approached to do for Martin Luther King on January 21, 2013 a service from within all the different Governments, Clergy and Communities to do something together for a service and then present it at this Martin Luther King Presentation on January 21, 2013. So it is very much in its infancy he was just asked to be the one to put everything together so he did contact me to see if the Municipality would have interest in working with him on it and I told him I don't speak for the Board but I assured him that I was almost positive that the Board would be in favor of doing something with them. So he thought that he would go back and tell them that the Municipal Government is also interested in doing it and he is contacting Clergy and also different Communities because they wanted something that would represent a service that everyone participated in throughout the Community so I told them I would bring it to the Board and see if the Board was in agreement. Now he does realize that January 21st is also Inauguration Day for the President. He did also want to extend the invitation to our State and Federal

Representatives also but he said he was aware of the fact that some might be going to the Inauguration Day so if there was a conflict he would understand. So if it is alright I will just get back to him and say that we would be more than happy to participate in however he felt would be of best interest for the Community.

EXECUTIVE SESSION

ADJOURNMENT

Mayor DeLuca entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

Meeting adjourned at 8:00 P.M.

Brad Benecki – Crocus Avenue – I would like to follow up. I spoke in front of the Council on August 6 regarding my request to get signage on Crocus Avenue to enforce Parking Code 464.04B. I was told in my presentation where I presented available off street parking that the abandoned car and the garbage pile would be removed. I started using that as a guide line for progress and that has not happened so the Progress on 8/16/2012 reported that the Mayor would like a recommendation from Council in September or October regarding this matter. On 9/28 Mr. Rayan was kind enough to call me and he gave his recommendation to me and I was wondering if his recommendation is the consensus of the Council that they would like to present to the Mayor at this time because it has been two months and I haven't heard a single thing.

Mayor DeLuca – presentation of what to Mayor?

Brad Benecki – you don't recall my presentation?

Mayor DeLuca – yes I remember your presentation. I know we sent letters to Code Enforcement and to the Police Department.

Brad Benecki – I have cars parking at the bottom of my driveway and I have asked them several times not to do this, all I am asking for is a no parking sign for my street.

Mayor DeLuca – sir we did send a letter to the Traffic Safety Committee.

Brad Benecki – no Mr. Rayan told me the Traffic Safety Committee is a bunch of volunteers, he instructed me to write a letter to the Traffic Safety Committee, I did this on May 2012. I wrote a letter that is why I ended up here.

Moe Rayan – sir, I didn't instruct you anything. I spoke with you on Thursday or Friday and I advised you that they were contacted via a memo from me to investigate the matter and if they determined that the no parking sign is required then they would provide a recommendation to Mayor and Council.

Brad Benecki – no sir my phone records conversations. You told me to call Chief Burton which I did.

Moe Rayan – one minute sir Chief Burton also called you on Thursday and at that time you said you were going to check your answering machine. I mentioned to you that I returned your calls twice.

Brad Benecki – I thank you very much for calling me back.

Moe Rayan - that is not a problem, that is my job is to address the citizens but I want to get this straight when you and I had the conversation I did mention to you that I sent a letter to the Traffic Safety Committee, I did tell you that they are volunteers and that they aren't on the payroll but that I can instruct them to go out and look at something all I have to do is request them to go out and review the matter and if they determine whether or not the no parking sign is necessary then they will make a recommendation to Mayor and Council and it becomes an Ordinance. We just can't go out and I did

mention to you we just can't go out and put a no parking sign out there.

Brad Benecki – What they are doing is against the law. I don't feel comfortable calling 911 for this.

Moe Rayan – 911 is to answer any calls and I did mention that to you and Chief Burton said the same thing.

Brad Benecki – he did and he also instructed me to write a letter to the Traffic Safety Committee, I did that in May and I am not going full circle back to page 1.

Mayor DeLuca – if Chief Burton told you to write a letter then you should write the letter.

Brad Benecki – he told me to write the same letter I wrote before.

Mayor DeLuca – no.

Brad Benecki – no, that is what he told me.

Mayor DeLuca – well if that is what he told you that is fine we will have the Manager check with the Traffic Safety Officer and find out where it is at.

Brad Benecki – and the abandoned car and the pile of garbage?

Moe Rayan – I did leave a message for Code Enforcement about that to see the status on that.

Brad Benecki – do you know when this would be?

Moe Rayan – When is it going to be removed, I don't know.

Brad Benecki – when did you leave the message?

Moe Rayan – When did I leave the message? I think Maureen gave me a message that you called back about the garbage and the abandoned car and I did call after that, which was Friday afternoon.

Brad Benecki - that was my basis I was judging from, if anybody was paying attention when they call and come and tow the car then I know that I was being paid attention to.

Moe Rayan – sir, you have been paid attention since the day you came here to the meeting.

Brad Benecki - I feel that I am disrespected that's all.

Craig Alexander – let me jump in here for a second. I remember your presentation an excellent presentation, I remember your friend that was here when you gave your presentation and I remember what Mayor and Council said to you when you gave your presentation. Now the meeting has been adjourned number 1 there is a procedure to address Council and you are suppose to call the Manager to get yourself on the Agenda like the Schiller's did earlier today, but after the meeting had been adjourned you had asked to address Council, the Mayor in his discretion aloud you to do that and you indicated that you feel disrespected, I can tell that you are frustrated but if anybody is being disrespectful you are being disrespectful to Mayor and Council right now. They are going to address your concerns rest ashore. They are going to address your concerns unfortunately there seems to be some road blocks, we don't know why that is but we will find out why that is and we will get them addressed but right now is not the time to come and have a debate with Council.

Brad Benecki – I am sorry no disrespect maybe it could be part of the wish list, I wish for a no parking sign.

Craig Alexander – I appreciate that. I understand that you were here in May and now it is September or even October but we will address your request.

Brad Benecki – thank you. When I first started this was in April when Senator DeLuca called me personally and directed me to Richard Grove and writing letters and ending up at Council. I do appreciate you letting me get this off my chest. I mean no disrespect, I do appreciate it.

Audience member – no name - I just wanted to make a comment last I heard this was a democracy and I don't think this man is being disrespectful at all.

Mayor DeLuca – the meeting was already adjourned.

Audience member – I understand that but he should not be accused of being disrespectful because he is not.

Brad Benecki – so is there something on the record now because the paper does state that the Mayor recommend that it be put on the Agenda, will it be put on the Agenda for me to come to another meeting.

Mayor DeLuca – all you have to do is let the Manager know.

Brad Benecki – well it is for the Mayor's behalf. It says the Mayor would like a recommendation back before Council.

Mayor DeLuca – well whatever the road block is for the Traffic Safety, what Traffic Safety does they make recommendations to Mayor and Council for a No Parking Sign so once they make a recommendation then it comes before us and then we vote on it. I don't know why it is taking so long.

Brad Benecki – I am not asking for a new law, there is a law in place I am just asking for the law to be enforced and I don't feel comfortable calling 911 on my neighbors, but if it comes down to it if there is a sign up I will call 911 every day if needed. Because we are going home now and these are my parents and my best friend and now they have to walk up the street because they can't get out of my driveway.

Craig Alexander – I remember you telling us that.

Nick Futules – last year there was an abandoned car next to my house and it took maybe three or four months for the Code Enforcement to have that car removed so it is a matter of time before it happens.

Brad Benecki – well the abandoned car is a side note that doesn't interfere with me it just takes up the off street parking. I just walk my dog and it hasn't been inspected since February 2011 so that was part of my presentation and I had pictures and there is a big pile of garbage. That was just part of my presentation. I could care less about the abandoned car myself. I just want to be able to use my driveway that is why I bought my house.

Mayor DeLuca – thank you.

Brad Benecki – I appreciate it. Thank you.