

NOVEMBER 19, 2012 COUNCIL MEETING MINUTES

The November 19, 2012 Council Meeting was called to order at 7:36 P.M. in Council Chambers at the Municipal Building.

APPROVAL OF AGENDA ITEMS

Mayor DeLuca- Good Evening, we will call this meeting order. 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 could not be here. He had a prior engagement.

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

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve the minutes of November 5, 2012.

Mr. Palumbo seconded this motion

There being no further discussion the motion was approved by a 3-0 vote. Mrs. Kuhn abstained because she wasn't in attendance.

EXPENDITURES

Mr. Palumbo made a motion to approve the Warrants dated November 19, 2012. Journal Vouchers 0, CD Requisitions 2- \$1,258.75, Masters 22839-22975- \$883,293.45. Grand Total \$884,552.20.

Mr. Underwood seconded this motion.

There being no further discussion the motion was approved by a 4-0 vote. Mrs. Kuhn abstained on check 22884 to Don Kuhn Auto Body for \$175.00 yes on all others.

PUBLIC HEARING

Mayor Deluca: We will open the Public Hearing for the Penn Hills Community Development Program year 39 for the 2013-2014. Are there any comments from the audience?

Ed Zullo: 113 Elizabeth Drive- Secretary of the Community Development Corporation of Penn Hills and we appreciate the support you guys have been giving us. That's all I needed to say. Thank You.

Mayor Deluca: Thanks Ed. That will close the Public Hearing for the C.D. Program for the Year 39. We'll be voting on this at the first meeting in January, Howard?

Howard Davidson: Yes, and I think the fact that there weren't a lot of people here tonight is a good sign that we have been spending our C.D. money fairly well, taking care of buildings and doing things that we are supposed to do as far as the Federal Government is concerned. I would take it as a good sign that you don't have a lot of people here.

RESOLUTIONS

Resolution No. 2012-064

Mr. Underwood made a motion to approve Resolution No. 2012-064 amending the five-year Consolidated Plan and Community Development Budget Years 37 & 38.

Mr. Palumbo seconded this motion.

Mrs. Kuhn: I see that we are taking \$76,705.92 out and then adding it for demolition, sidewalk improvements, and street improvements. I don't know Howard if I missed it and if I did I apologize. Maybe it's in the C.D. information. Do we know what sidewalk improvements we are putting in? What locations?

Howard Davidson: We are starting in two areas, one on Frankstown Road, out near Dr. Kincaid's Church. Howard, Evaline, Frankstown area. The other is some of the missing links on Rodi Road. I think you will see over the next few years a little bit of sidewalk projects, as time goes by, because HUD is now saying it is eligible under handicap accessibility requirements to even do sidewalk in places like Rodi Road. You will see more recommendations from us that you take advantage of that and fill in some of the missing links. I have been talking to Rev. Kincaid about his neighborhood. I think you all know that Frankstown Road is a good place to put sidewalks.

This money here is un-programmed money. We aren't taking money from anything here. It is primarily rehab loans that have been paid off and project income from the rehab program.

Mrs. Kuhn: Right, I saw that in top part of the balance transfers \$56,900 some dollars for un-programmed funds that are being put into this. I just didn't know the locations. That is really all I needed to know.

Howard Davidson: The other side of the story is that we always need more money for street paving and for demolition so we thought it would put it in those accounts as well.

Mrs. Kuhn: And I agree those are three accounts that we need to increase.

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

Resolution No. 2012-065

Mr. Underwood made a motion to approve Resolution No. 2012-065-authorizing the Municipal Manager to enter into a five-year lease with Toshiba for ten copiers at the monthly cost of \$1,748.00.

Mr. Palumbo seconded this motion.

Mrs. Kuhn: I see on our back up material here, that the five year lease we receive 80,000 black and white copies per month and that we are now doing an average of 73,000 and that covers that and the color copies I see we are being charged .065 per page and we do approximately 400 color copies for month. So there is no color copy amount, we pay for ever colored copy. Is that correct?

Mr. Rayan: Yes that is correct. There is only one machine that we have in the Municipality that is color. It is in the Purchasing Department. Sheree keeps track of the colored copies that are made to be charged to different departments.

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

Resolution No. 2012-066

Mr. Palumbo made a motion to approve Resolution No. 2012-066- authorizing the Municipal Manger to enter into a contract with McVay Plumbing Company, Inc. for time and material plumbing services for calendar year 2013.

Mr. Underwood seconded this motion.

Mrs. Kuhn: I see on here that we only received one bid. Is this advertised for Bids Moe? I didn't see any advertisements.

Mr. Rayan: Yes all the bids are advertised.

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

Resolution 2012-067

Mrs. Kuhn made a motion to approve Resolution No. 2012-067- authorizing the Municipal Manager to enter into a two year contract with Bill Grill Exterminating, Inc. for a total cost of \$4,320.00.

Mr. Palumbo seconded this motion

Mrs. Kuhn: On our back up material I see that this is for Senior Citizen Building, Multi-Purpose Center, McKinley Center and the Penn Hills Library. So it is only covering those for buildings, is that correct?

Mr. Rayan: That is correct.

Mrs. Kuhn: Is there another contract for the building here itself or are we bug free?

Mr. Rayan: The road department applies some pellets outside the building and we have Mike here who does some of that stuff as well.

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

Resolution 2012-068

Mrs. Kuhn made a motion to approve Resolution No. 2012-068- authorizing the Municipal Manager to enter into a one- year contract with Dr. David L. Burghard for veterinary services for the Municipal Canines.

Mr. Palumbo seconded the motion

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

Resolution 2012-069

Mr. Underwood made a motion to approve Resolution No. 2012-069- authorizing the Municipal Manager to enter into a two year contract with ABCO Fire Protection for fire extinguisher maintenance.

Mr. Palumbo seconded this motion

Mrs. Kuhn: There is no amount on the resolution. Does that mean that we just go by the back sheet? I know usually there is some dollar figure in the resolution itself.

Mr. Rayan: That is correct, they are each per fire extinguisher, and it varies between departments.

Mrs. Kuhn: I did see the tabulation of bids. Is that why we just go by that and there is no amount in the resolution itself?

Mr. Rayan: That is correct. Yes.

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

Resolution No. 2012-070

Mr. Palumbo made a motion to approve Resolution No. 2012-070- authorizing the Municipal Manager to enter into a two-year contract with Industrial/Commercial Elevator for elevator examination and maintenance at a total cost of \$2,520.00.

Mr. Underwood seconded the motion.

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

Resolution No. 2012-071

Mr. Underwood made a motion to approve Resolution No. 2012-071- authorizing the Municipal Manager to execute a one year contract renewal with Crystal Clean Windows, Inc.

Mr. Palumbo seconded the motion.

Mrs. Kuhn: I see that this is an automatic renewal. Both parties have said that they are interested in renewing and that they are staying at the same rates. Is that correct Moe?

Mr. Rayan: That is correct. We exercised the option in the contract and we requested their approval and they agreed to it.

Mrs. Kuhn: They are at the same rates as they were.

Mr. Rayan: That is correct.

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

Resolution 2012-072

Mr. Palumbo made a motion to approve Resolution No 2012-072-amending Resolution 2012-062 deleting four out of the five structures awarded to Greenthumb Excavating.

Mr. Underwood seconded this motion.

Mr. O'Connor: Good Evening, was the proposal from Lutterman Excavating the same number that was done at the time of award to the other vendor? There is \$500 difference. You awarded one vendor 4 of them at \$5,000.00 yet did this vendor have 4 of them at \$4,500 and it wasn't awarded to him

Mr. Davidson: I can answer that. What happened was we were about to make a mistake and award a contract to someone other than the low bidder inadvertently so we are rescinding a resolution to Greenthumb and awarding it to the low bidder who was Lutterman.

Mr. O'Connor: So somebody caught their mistake?

Mr. Davidson: I made and I caught it. I'll put it that way.

Mr. O'Connor: One other comment. Seven resolutions up on this page as near as I can figure, when I was working here they didn't have to be done that way. The Municipal Manager had the authority by the Charter and State law to award any contract and proposals under \$10,000.00. I think that has gone up though hasn't it.

Mr. Alexander: It's gone up by State law but the Charter limits it to \$2,500.00

Mr. O'Connor: No, we did them up to 10,000.00.

Mr. Alexander: We actually spoke about adopting the recent updates with the state law but Mayor and Council chose to keep the Charter limits where they are.

Mr. O'Connor: I mean if you are advertising all of these, you are wasting a lot of money on something you don't have to advertising. All he has to do is authorize RFP's to be taken and awarded to the lowest responsible proposer. I think they have raised that limit in the State too. We were at one point in time at 2,500.00 and that was jacked up to \$10,000.00 it is somewhere in the Purchasing Manuals that probably aren't around anymore.

Mayor DeLuca: we'll check that Mickey. I was just asking the manager, anything under \$10,000.00 should be like three phone quotes.

Mr. O'Connor: We did formal RFP's on it. Just to be right that way you aren't wasting advertising money.

Mr. Rayan: We still do that Mickey.

Mr. O'Connor: You didn't seven times.

Mr. Rayan: as far as the advertising and the quotes. I'm not talking about the resolutions.

Mr. O'Connor: I just wanted to bring up that comment.

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

Resolution No. 2012-073

Mr. Underwood made a motion to approve Resolution No. 2012-073 awarding a contract to Lutterman Excavating for demolition of four structures.

Mr. Palumbo seconded the motion.

Mayor DeLuca: Howard, just one comment. When we do have these demolitions coming up, I do try to check to see if it is the lowest bidder but if

you could start circling them. Last time what, did we have three different resolutions on these demolitions and it's hard to check all the houses.

Mr. Davidson: Your point is well taken. I want you to keep in mind that the way the specifications are written on demolitions. We keep it open to package the demolitions in the Municipalities favor. In this sense you had Greenthumb, if you added up all of the houses, Greenthumb was the low bidder. But on the other hand if you look at the houses and packaged those 3 to this one or 4 to that one, we could get a lower number.

Mayor DeLuca: Yeah, and that's the reason why we did that. Where you have three different contractors and you are trying to match up the houses. If we are going to package them circle them so we know which ones are lowest.

Mr. Davidson: point well taken. I hope we do not make the same mistake. Another thing I would like you to keep in mind. We hate to bring in a demolition contractor for one house. We do like to telephone demolition contractors and ask them to give up one house. We might have a few hundred dollars extra but sometimes it's worth it to not have an additional contractor or award. Point well taken.

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

ITEMS FOR CONSIDERATION

INTRODUCTION OF ORDINANCES, RESOLUTIONS, ETC.

REPORTS

Mrs. Kuhn: I had a phone call from a resident over the weekend pertaining to a parking situation that we had just gone through a few months ago, a different street but the same situation. That someone is parking on the street across from her house but blocking her driveway. She is an elderly person and it is hard for her to get in and out of her driveway. I explained to her that we had just gone through this a few months ago. And she said that she did read about the situation in the Progress. It is my understanding, am I correct, based on what transpired last time, that there is really nothing that the police can do because if the street is wide enough and they are parked there that our hands are tied. Is that correct? I did tell her I would bring it to the Managers attention, and I wasn't sure if the police could go over to just

measure the street. I am familiar with the street that she was discussing and I believe that it is probably within the allotted footage. And if it is, there really is nothing that we can do about that. Is that correct?

Mr. Rayan: That was the case in the last situation that you were referring to on Crocus Avenue. We can check it, it's not a problem. We have a traffic officer that can handle that. If she wants to send us the address we can take care of it from there. It was the situation in the past. If it is wide enough and the vehicle is able to enter and exit the driveway then there is no violation, unless there is a posted area for no parking. Then it becomes a problem.

Mrs. Kuhn: there is a no parking sign but it is on her side of the street. They live next door but they are parking on the other side of the street but they are parking directly in back of her driveway. She had said that it's not really the neighbor but it is people who are coming to visit and they are leaving their cars there from Friday to Monday. She didn't know if we could post it because they are parking there too long. I told her I don't believe so as long as they have a legal sticker and license they are able to park on the street for any length of time. I do have the address Moe, so I will give that to you so if you could at least have the police check. Like I said, just eye balling it myself, I don't think that this is a problem, being as we just discussed this at length on the other street. That is an inconvenience, but I don't think there really is much you can do about it.

Mr. Rayan: we can check it, that's not a problem.

Mayor DeLuca: I just have one comment. Moe, since Wal-Mart is not coming in to the Saltsburg Road location now, have they paid all of the bills. I know we've done some testing. Do they owe us for anything right now?

Mr. Rayan: I don't believe so. Howard, you've collected everything right?

Mr. Davidson: I'm smiling because I think you might not want to ask the question. I think we may owe them a refund. I'm not going to do it unless they ask for it. Let's put it that way.

Mr. Rayan: the question was did they pay the bills Howard?

Mr. Davidson: They have a deposit in that we haven't used up yet.

Mr. Rayan: The \$25,000.00 per the agreement was paid as well and the other \$150.00 of course if there was no agreement there would be no balance due.

ADJOURNMENT

Mayor DeLuca: I will entertain a motion to adjourn.

Mr. Underwood made a motion to adjourn.

Mr. Palumbo seconded the motion at 8:03 P.M.

Sheree Davis
Secretary of Purchasing

Date