

## **DECEMBER 17, 2012 COUNCIL MEETING MINUTES**

December 17, 2012 Council Meeting was called to order at 7:40 P.M. in Council Chambers at the Municipal Building

Mayor DeLuca - Good evening, we will call this meeting to order. The Agenda will stand as presented. After the Pledge of Allegiance please remain standing for a moment of silence for the tragedy that happened up in Connecticut and then Dr. Kincaid will say a little prayer. Please stand for the Pledge of Allegiance.

Dr. Kincaid – For all who grieve tonight Almighty God we pray your comfort and we pray your strength for all the families and we pray oh God that our nation will be a nation of peace that men and women will lay down instruments of war and work for peace. Our hearts go out for those who mourn as do many throughout the world tonight. We prayer this in your holy name. Amen.

Audience – Amen.

### **ROLL CALL**

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

Also present were Manager Rayan, Secretary Sorce, Planning Director Davidson, Finance Director Schrecengost, Solicitor Alexander, Library Director Ward.

### **APPROVAL OF DECEMBER 17, 2012**

Mr. Underwood made a motion to approve the Minutes of the November 26, 2012 Budget Hearing Meeting, December 3, 2012 Budget Hearing Meeting and the December 3, 2012 Council Meeting.

Mr. Palumbo seconded the motion.

There being no further discussion the motion was approved by a 5-0 vote except for the November 26 Minutes Mayor DeLuca was not present so it was approved by a 4-0 vote.

### **EXPENDITURES**

Dr. Kincaid made a motion to approve the Expenditures of December 17, 2012 - Journal Vouchers – 10 - \$4,152,085.03, C.D. Requisitions – 4 - \$3,439.45, Master 23071 – 23204 - \$1,681,143.92, this makes a grand total of \$5,836,668.40.

Mr. Underwood seconded the motion.

Mickey O'Conner – 1095 Maple Avenue – Page 15 Turtle Creek Council of Government – HUD Blight Project - what the heck is that?

Mr. Rayan – The HUD Blight Project – a study was done in all these Municipalities and we shared the cost.

Mickey O'Conner – thank you.

Mrs. Kuhn – Page 1 – Check #23099 – to Campbell & Durant – I noticed that there was a large check for Special Labor Counsel. I am assuming that these are litigations that are already in process. Am I correct Moe?

Mr. Rayan – that is correct Mrs. Kuhn.

Mrs. Kuhn – the only thing that I am questioning is do we know what they are charging per hour to the Municipality?

Mr. Rayan – I believe they have different rates – it goes from \$125.00 to \$185.00 per hour.

Mrs. Kuhn – o.k. that was my question. I thought the last time I checked they were like between \$175 to \$225 so I might be high on that so the only question I was questioning is I realize that this is already an ongoing litigation so you stay with that Labor Counsel that you have but I believe our in-house solicitor is only \$125.00 an hour so if we could just in the future anything if we could ask the solicitor if they could handle it for that cost because if it is \$125.00 even versus \$185.00 you are talking \$60.00 an hour and I know those hours can add up quite quickly. So I am just looking at it at the hourly rate so we are not using outside Labor Counsel at a higher rate if it is unnecessary.

Mr. Rayan - Not a problem, however, all these litigation cases are ongoing prior to the appointment of the current solicitor and those cases were deferred to the outside counsel from the previous solicitor but to answer your question they are continuing litigations and we always keep an eye on that as well and I have talked to Craig on several ones that we have had in the past Mrs. Kuhn.

Mrs. Kuhn – and like I said I realize that if they are ongoing I don't want them to be switched in the middle but I do know that previously we had a lot of outsourcing of our Legal Counseling at a higher rate than what it would be if it was in house so that is my only concern Moe, If we could change that policy so that we would have a say if it is conscious of course I don't want you to do it if it is something that is going to hurt the Municipality. I am just concerned because I know in the previous years we had a large

amount of outsourcing of our legal fees at a higher cost so I just wanted to make sure we would be careful that that does not occur again.

Mr. Rayan – Not a problem.

Mrs. Kuhn – Mayor the other question is it is not a question it is a statement - again I noticed our repairs on Page 11 Check No. 23116 for this expenditure is over \$5,600 again and you know and I mean I know that I sound like a broken record but I am just concerned on our maintenance as being so very high this last year. The last check and I do have to say that I did talk to the Manager earlier before the meeting it is on Page 15, Check #23195 to the Temple for \$4,032.04 and I just wanted to make sure it was my understanding that we were only paying for the labor and the Manager said that is correct this is just a refund for the amount of money that they had put up and it wasn't all used so this is a refund, is that correct Moe?

Mr. Rayan – Yes that is correct, it was the balance from the material cost from the money that was offered from The Temple to the Municipality to do the project.

Mrs. Kuhn – thank you very much that is all.

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

## **RESOLUTIONS**

Mr. Palumbo made a motion to approve **Resolution No. 2012-075** ratifying the action of The Municipal Manager or his designee to dispose of bids received through The Municibid On-line Program for obsolete and outmoded equipment.

Dr. Kincaid 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. 2012-076** implementing a Procurement Card Policy and Procedure and Authorizing the use of Procurement Cards through PNC Bank.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I just want to say that on the second page where we have the procedures it is my understanding from our conversations on this before that these will not be distributed throughout the department heads, this card or cards it has cards so it is plural will be in the Finance Department and if the designated department head or supervisor needs to use it they have to either go through the Manager's Office or the Finance Department, is that correct?

Mr. Rayan – that is correct.

Mayor DeLuca – Moe how many cards are we talking about? Is it two cards, do you know if we are going to get two cards?

Mr. Rayan – probably one maybe two.

Mayor DeLuca – also in the procedures I want like a sign-in sheet - signed in and out when they return it. Moe, please add that to the procedures. Ed, will you have the sign in sheet at your office?

Ed Schrecengost – yes.

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

Mr. Palumbo made a motion to approve **Resolution No. 2012-077** authorizing The Proper Municipal Officials to enter into and execute The Cooperation and Support Agreement between The Allegheny County Library Association and The Municipality of Penn Hills.

Mr. Underwood seconded the motion.

Mayor DeLuca – Tyrone this agreement do we have to reassign this every year?

Tyrone – no every five years, the last one was signed in 2007.

Mayor DeLuca – o.k. thank you.

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

Mrs. Kuhn made a motion to approve **Resolution No. 2012-078** authorizing Fedele Insurance Services, Inc. to bind The Municipality's 2013 Insurance Coverage.

Dr. Kincaid seconded the motion.

Mayor DeLuca – Just so the public knows it is a 2.2% increase over 2012, is that correct?

Mr. Rayan – that is correct.

Mickey O'Conner – 1095 Maple – out of sure curiosity what increase did we see in the Fireman's Workman's Comp because of the State's Legislation for cancer assumption was there any?

Mr. Rayan – actually there was one company the company that carries the insurance right now they are the only one that we were able to get insurance through for the fireman based on the cancer issue that was coming up with Legislation and so

on. Chris Fedele is here and will be able to answer any questions but the increase it was mainly for the accident that truck seven sustained a couple of months ago.

Mickey O'Conner – oops.

Mr. Rayan – however, it is being investigated by the insurance company because their thoughts believing it was a fault in one of the buttons that allow the elevation of the front bucket to automatically level itself so it might be a recall on that so actually it is a voluntary recall at this point but the insurance company is investigating and that the repairs are about \$50,000.00.

Mickey O'Conner – it didn't affect the worker's comp though just the vehicle?

Mr. Rayan – it was the vehicle, yes.

Mrs. Kuhn – Chris if I could just ask you one question about this with the workman's compensation for the volunteer firemen it is my understanding the Manager has stated that we were only able to get one bid for that, is that correct?

Chris Fedele – we just switched carriers last year into the carriers we have now, AmeriHealth who is your current workman's comp carrier is the best to my knowledge the only carrier in the State that is still writing volunteer firemen on the standard workman's comp policy. All the other carriers are cutting out the fireman and forcing them into the State Workman's Insurance Fund.

Mrs. Kuhn – So if in fact this AmeriHealth if they weren't providing it then we would have to go with the State.

Chris Fedle - we would have to split the policy in two and write Municipal Employees on one and then write a State Fund Policy for the volunteer firemen. State Fund I think their current multiplier is 2.1 over standard rates.

Mrs. Kuhn – o.k. thanks Chris.

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

## **REPORTS**

Mrs. Kuhn – Just to touch on the tragedy that happened at Newtown I just want to put it into the record that everyone's hearts are broken because of this useless and unnecessary tragedy but I did want to acknowledge the teachers who were involved in this. I know that when we had our Country attacked on 911, I have stated many times when I speak for the firemen that the survivors that were coming out of the twin towers made the statement as we were rushing to safety the firemen were rushing up the stairs to take care and to try to save survivors so they were rushing into the problem when we were rushing out and I think this again unfortunate for our nation as it is it showed the

true heroes of that tragedy again were our teachers. The principal that was in a meeting supposedly heard the shooting, did not run for safety or go into her office and wait for the police to arrive but ran down to the room where she heard the shots and as a result she was killed and her family has a huge loss also and for the ones that did survive they took care of those children in that school they locked the doors and covered the windows and took those babies in the corner and talked to them and kept them quiet and kept them safe to their ability. The one statement that is the most serious to me was the one teacher told them that they had to be quiet because there were bad people out there and they had to just wait for the good people to come. Our hearts are all broken as a nation and I hope and pray that our nation can heal and we remember these tragedies and these families while this is happening and that our public servants and politicians find a way to somehow help resolve this terrible tragedy. I did want to comment on the teachers because of the fact that they were true heroes during this terrible situation.

Mayor DeLuca – it certainly was a tragedy for the Country.

## **DISCUSSION SESSION**

Howard Davidson – discuss the Year 39 CDBG program – I will do it real quick. I don't expect that you read the document word for word it is pretty thick but it is getting to the tail end here and we are going to ask you to adopt it in January so taking the last look at the budget please do so and give me any comments you may have. I gave you a memo trying to highlight the important parts of the plan, things that are new to you, we are going to be doing sidewalks probably over the next three or four years starting out in Reverend Kincaid's neighborhood and Rodi Road. We have demands from Joyce Davis's food bank she is getting hit pretty hard so we are looking at maybe decreasing the Wilksburg/Penn Hills Community Action and on a pleasant note I had a meeting with the Community Development Corporation the other day and they are interested in helping out the community and they are interested in taking on a neighborhood plan so we might cap their resources and help Reverend Kincaid in his neighborhood and do a neighborhood plan for Bon Air. There are some vacant buildings in that area and we have to address whether or not to demolish or close Bon Air Park. We have had some issues with that Park. We have sidewalks coming as I have said and it is a good opportunity for the Community Development Corporation to get involved so we are going to try to match the Community Development Corporation up with Reverend Kincaid's Church and get them involved with the CD Program. Other than that the people that have relied on that so heavily are still taken care of with the Budget still funding those agencies and they all need the money of course so we will just continue. For those of you that don't have personal notes on it if you want to turn this in to me this evening it would save us some xeroxing costs but obviously you are welcome to keep it if you want to do that too.

Mrs. Kuhn – I just have one question Howard on the food bank situation because I know when this has come up before I have stated that with the trying times I would appreciate the food banks to receive the maximum they can even it means that we have

to decrease some of the other areas and at those times you have said to me that we were already at the max at the 15%.

Howard Davidson – We are at our maximum with money to Community Services so in order to fund the food bank you have to take away from the YMCA or take away from Western Penn Hills Community Action, we are always stuck at that 15% maximum on community services. I wanted to wait until we got our report from the Western Penn Hills Community Action Reverend Hunt, I wanted to see his report have us all take a look at it and revisit that issue. As you know you can amend the CD Budget throughout the year. I was at the Lincoln Park Community Center today and Joyce is doing a great job out there, she has some good volunteers in the building now, the demand is there.

Mrs. Kuhn – right and I know the demand is there and that is why last year when we wrote it on this I asked if we could give more to the food banks and I thought that you told me we were at our max at that time.

Howard Davidson – Well I think what I told you was we are at our max at 15%. The way to give more to the food banks would be to reduce one of the other services. If you want to consider taking for example jobs from kids but if it is jobs for kids versus food for families we might want to think about it seriously. It might just be helpful for me to just take a few thousand dollars off of Western Penn Hills Community Action and add it to the food bank for example.

Mrs. Kuhn – o.k. so I am getting two different answers here. As I asked last year I was under the understanding that 15% was the max that we could give.

Mayor DeLuca – that is total.

Howard Davidson – you understand the percentage will stay the same. If you take away from one service activity and put it into another service activity the 15% is going to stay the same. I can't take money off of street paving and put it in food banks then the percentage would go up.

Mrs. Kuhn – so what you are saying there are some programs that you could take a little bit more off of and put into the food banks?

Howard Davidson – right.

Mayor DeLuca – and then the other thing it depends on how much the Federal Government Funds .

Howard Davidson- well I always have to adjust the budget up or down depending on Washington. I think this time we might have to adjust downward.

**PUBLIC COMMENTS**

Raj Yellavala – Chairman SV Temple – Good evening everybody my name is Raj Yellavala. I am the Chairman for SV Temple Board of Directors. I am here basically to say thank you for your support especially the South McCully Drive Road Work and especially to the Police Department for recent incidents that we have been facing. Chief Burton really helped us. I am here this evening to give a donation to the Police Department and to the Fire Department.

Mayor DeLuca – Thank you very much.

**ADJOURNMENT**

Mayor DeLuca will entertain a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

Meeting was adjourned at 8:07 P.M.

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DATE

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MAUREEN M. SORCE  
MANAGER'S SECRETARY



