

OCTOBER 7, 2013 COUNCIL MEETING MINUTES

The October 7, 2013 Council Meeting was called to order at 7:34 P.M. in Council Chambers at the Municipal Building.

APPROVAL OF AGENDA ITEMS

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

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

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

PUBLIC HEARING

Mayor DeLuca – First up we will open up with the Public Hearing for the Six Year Capital Improvement Program. How do you want to give an overview?

Howard Davidson – sure. I prepared a Six Year Program in conformance with our Home Rule Charter. You have a Public Hearing this evening and we are asking that you not vote on it this evening that you simply take testimony. Also that you pass onto me any comments that you have or any changes that you would like to see. Maybe something you would like to see in the plan that is not in there now.

Mayor DeLuca – Howard do we have one more hearing on this?

Howard Davidson – continue to take Public Testimony (inaudible).

Mayor DeLuca- o.k. with that we will close the Public Hearing on the Six Year Capital Improvement Project.

CITIZENS TO ADDRESS COUNCIL

Mayor DeLuca – next up Mrs. Nesbitt.

Mrs. Nesbitt – Good Evening I am Mrs. Nesbitt, 1832 Brunette Street, I was expecting two other members of the housing to be here but they are not. This is what we wanted to discuss. During the Housing Committee Meeting in August it came to our attention that Code Enforcement is under staffed. First the Committee wants to thank Code Enforcement for its fine work they have done with the reduced staff. However, many residents are unhappy that their complaints are not being addressed. Therefore The Housing Committee has three questions – 1. How many staff members make up Code Enforcement? 2. What is the number of vacancies? 3. Any ideal when these positions will be filled?

Mayor DeLuca – Mrs. Nesbitt we are down two Code Officers and the reason for that is because they were not residing in Penn Hills so we had to release them. With that we do have a law suit and it is pending litigation.

Moe Rayan – there are multiple cases out there, unfair labor, age discrimination, one in the Federal Court and the decision that was made by the arbitrator back in 2010 it is before the Courts of Common Pleas right now to be rescinded and heard again before a different arbitrator.

Mayor DeLuca – yes we can't fill those positions until those court cases are settled.

Irene McLaughlin – 8908 Upland Terrace – I really appreciate your hearing the concerns of the Housing Committee of the Penn Hills CDC. We really really appreciate the resources that you have put into the Code Enforcement Division Citizen Serve Software. It is terrific and we want to be able to promote it and we have been doing that but we also don't want to overwhelm the staff so we knew that you were down in staff so we do understand that there is litigation but we also understand and would appreciate better understanding that is there a Director's position that could be filled as well?

Mayor DeLuca – no we have Mr. McCafferty as the acting Director right now.

Irene McLaughlin – so there is not another position that could open up if the Director position was filled if he was not acting and again I do not necessarily understand the budget and the staff levels?

Moe Rayan – I don't understand your question you are asking about the Director's position. Right now the position is filled in the acting capacity.

Irene McLaughlin – so in the acting capacity so is that the Director's Position?

Moe Rayan – yes.

Irene McLaughlin – o.k. and that is John McCafferty who is doing a tremendous job.

Moe Rayan – he is the acting Director and it is the same position at this point.

Irene McLaughlin- so there is then only the two positions that you just explained that are in litigation and there is nothing that can be done to fill in that staff void.

Mayor DeLuca –no we cannot hire part-time employees because then we would have a problem with the Union so the only thing that we could do right now is hopefully they settle that and I think they delayed the hearing a couple of times.

Moe Rayan – yes we haven't heard anything since the case went before the unfair labor last year and we are waiting on the decision that was July 2012 but we haven't heard of anything. And then there are other litigations that are still pending with the matters.

Irene McLaughlin – yes it would be great and litigation can take a life of its own but it would be very helpful to get a sense of that time frame or if there would be any way to urge some sense of urgency about the resolve of that litigation. I don't know if that is in your power at all.

Moe Rayan – that is almost impossible.

Mayor DeLuca – I think unfair labor there are two guys up in Harrisburg that hear it.

Irene McLaughlin – Jim Beck is another member of the housing committee who just came in and I do appreciate Gladys taking the time and effort to bring this to your attention. We as a housing committee really do want to work and I think we have been working as best as we can hand in hand with Code Enforcement so if you have any suggestions for us on how we can become helpful we would be glad to take those suggestions.

Moe Rayan – just make sure you report whatever you need to be done to the Code Enforcement and they will get to it as soon as they can. We are looking perhaps it is down the line I am not able to discuss that at this point because I haven't discussed it with Mayor & Council for the upcoming budget in terms of proposed positions and so on and so forth so we are looking at it. We are not ignoring it we are continuing to look at it and do the best we can to accommodate that.

Irene McLaughlin – great, excellent and thank you all for the Citizen Serve Program. I know that was a big investment and it is tremendous and it does allow us to continue to submit the reports but again we want to make sure that there is the follow through as well before we really start promoting it in a big way. Thank you.

Mayor DeLuca – thank you and with that we will move on to the Approval of the Minutes.

APPROVAL OF MINTUES

Mr. Palumbo made a motion to approve the Minutes of September 16, 2013.

Dr. Kincaid seconded the motion.

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

EXPENDITURES

Dr. Kincaid made a motion to approve the Expenditures of October 7, 2013, Journal Vouchers 0, \$0.00 – C.D. Requisitions 9 - \$83,288.58, Master 25643-25842 - \$1,583,808.19 making a grand total of \$1,667,096.77.

Mr. Palumbo seconded the motion.

Mrs. Kuhn – on Page Three, Check No. 25699 I see that it is two expenditures for the Cypress Hill Bus Shelter. I am assuming Moe that is the bus Shelter that we had money in escrow for so is the money that is being paid out is that from the escrow account?

Moe Rayan – that is correct. It is out of the \$20,000 escrow money that we had. The balance of that is going to the road paving.

Mrs. Kuhn – thank you very much.

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

Mrs. Kuhn – yes on all of them except Check #25813 to Don Kuhn Auto Body for \$600.00 for rental and yes to all the others.

RESOLUTIONS

Mr. Palumbo made a motion to approve Resolution No. 2013-056 authorizing the destruction of certain Municipal Records in accordance with The Pennsylvania Municipal Records Manual.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I am assuming Moe this just includes from what I read the certain records for Purchasing and Financing is that correct?

Moe Rayan – that is correct.

Mrs. Kuhn – so it has nothing to do with any of the records for the Municipal Meetings because I know we have to keep those for our Consent Decree?

Moe Rayan- that is correct, that is all financial and purchasing documents.

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

Mrs. Kuhn made a motion to approve Resolution No. 2013-057 approving the Acquisition and Subsequent Disposition of vacant property in the vicinity of 7861 Mt. Carmel Road, 230-L-309 in accordance with The Allegheny County Vacant Property Recovery Program and providing assurance that Acquisition is consistent with The Penn Hills Comprehensive Plan.

Mr. Palumbo seconded the motion.

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

Mr. Palumbo made a motion to approve Resolution No. 2013-058 authorizing a Change Order in the amount of \$25,000.00 to Tresco Paving Corporation for the 2013 Community Development Paving Project.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I am assuming Moe that this Pearl Road has been added to the 2013 CD Paving Project that we had voted on in the past, am I correct?

Moe Rayan – that is correct, yes.

Mrs. Kuhn – it wasn't in the original bid but we are adding it basically because Wilkinsburg Penn Joint is doing half the street so we figured we would piggyback on and get a whole street and have to do only half the cost, is that correct?

Moe Rayan – that is correct, yes.

Mrs. Kuhn – thank you.

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

REPORTS

Mrs. Kuhn – Mr. Mayor I noticed that Howard has sent us a Planning Department Memo and I would just like to make a comment on it because of the fact from the memo it is stating that it is in regard to the monitoring review letter from HUD and that they had found that we are in compliance in all areas and that there were no findings or no concerns and that is not a typical case and that usually they have several concerns. I want to compliment you, Howard and also Meg and Chris Blackwell for a job well done.

Mayor DeLuca – Sara you took my report. Howard please make sure you congratulate the Planning Department for doing a great job cause I know before I came into office we use to have a lot of problems with HUD especially spending the money on a time frame.

ADJOURNMENT

Mayor DeLuca entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mrs. Kuhn seconded the motion.

The meeting was adjourned at 7:50 P.M.

DATE

**MAUREEN M. SORCE
MANAGER'S SECRETARY**

