

## **FEBRUARY 18, 2013 COUNCIL MEETING MINUTES**

The February 18, 2013 Council Meeting was called to order at 7:35 P.M. in Council Chambers at the Municipal Building.

### **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**

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

Also present were Manager Rayan, Secretary Sorce, Solicitor Alexander, Controller Futules, Engineer Minsterman and Finance Director Schrecengost.

### **CITIZEN TO ADDRESS COUNCIL**

Dr. Stoner – First of all there is nothing personal about anything I say here and it is probably true that you know more about this subject than I do. I only became aware of it about two months ago because when you are young you get a bill in the mail you look at the bottom line you pay the bill. When you get to become my age you don't do that anymore. So I got my Comcast bill and on the second page it has the taxes on there, state, county whatever they are, 911 and then the Franchise Fee is on there. The largest number on there and it is \$5.25. That is \$62.00 out of my pocket every year and I bundle everything with that. I called Comcast and the lady said I am not sure I think it is something with Penn Hills. I called Penn Hills, a very nice lady in Administration said I am not sure, I will call the Finance Department and I will find out for you. Just a little history of how I did this. She called me back about two hours later. I left a message on there. She said yes it is a Franchise Fee. I said who pays what to whom? She said Comcast pays it to Penn Hills. I said O.K. It is a hidden tax on me. They don't pay it, I pay it. You need the money I am not talking about anything like that but I just want to know where it is going and where it is coming from. Now it dawned on me I didn't know who paid a franchise fee in Penn Hills I mean does Subway pay one, does Long John Silver's pay one or is it all electronic equipment. I don't know.

Manager Rayan – the Franchise Fees are all paid by anybody that is working within the Municipal right of way. Like the telephone poles and stuff like that they pay

franchise fees. Telecommunication companies, Verizon, Bell Atlantic and so on all of them pay the Franchise Fees just to conduct business within the right of way.

Dr. Stoner – right, but we are paying them to do business here.

Manager Rayan – exactly – you are paying for it, I am paying for it, I choose to have cable, if you don't have cable you don't have to pay for it.

Dr. Stoner – o.k. that is o.k. All I am saying is the hidden tax. That is the only thing that disturbs me about it. Put on that Verizon bill or anybody else's bill in that square this money goes to Penn Hills. I don't have any gripe with that at all. You need the money you have a lot on your plate I don't care about that but I hate hidden taxes. They are terrible. If you want something from me put a note in my mailbox and put it on your Penn Hill's tax that is the way I feel about it. I know this is very sophomoric of me but I understand you need the money I am not concerned about that - you will spend it as wisely as you can and you got a lot to do you have 400 empty houses in this place.

Manager Rayan - I am not sure anyone is claiming it as a hidden tax sir it says Franchise Fees and then we deal directly when we negotiate the Contract with the company, it is a fee they have to pay how they did that fee it is their business.

Dr. Stoner – they get the fee from me. Here is all I am saying is it is a hidden fee on the people of Penn Hills whoever has to pay for it because they don't eat it, if they ate that tax I would say o.k. They don't, it is on there and I pay that tax.

Manager Rayan – actually not just Penn Hills. This recent contract we negotiated is a bunch of Communities together and it has been in place since 1986.

Dr. Stoner - I don't care how long it has been in place, it is hidden. I don't like it. A hidden tax on me at all. I will give you what you need. You have a plate full of problems, you got a plate full of stuff you have to take care of, I am not concerned about how you spend it but I hate to pay Comcast and think I am getting services from them and I am not. Not for that \$60.00 I give them a year. It is not \$60.00 because I pay their Franchise Fee in here and if I have a co-pay or a doctor or meds to go to I have to take another \$60.00 out of my pocket and pay that. Now if you need the money you need the money I don't care about that I just want you to identify where it goes from those entities. Take a piece of paper put everybody on it that pays a Franchise Fee draw a line and put an annual income down there that you get from that.

Manager Rayan – it is listed on our budget. The Franchise Fees are in our budget.

Dr. Stoner – o.k. I will get a copy of that, right?

Manager Ryan – no problem if you can't locate it then we will provide a copy of it.

Mayor DeLuca – it is on line so you can go on line to the Penn Hill’s Web Site.

Dr. Stoner – and where would I go?

Manager Rayan – Penn Hills.org

Dr. Stoner – I don’t think I have anything else here. It is just about how it is collected I don’t care about anything else I really don’t. Thank you gentlemen, I think I took enough of your time.

Mayor Deluca – I think we just negotiated that Contract just last summer and that is good for ten years.

### **APPROVAL OF MINUTES**

Mr. Underwood made a motion to approve the minutes of January 22, 2013.

Mr. Palumbo seconded the motion.

Mrs. Kuhn was absent.

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 February 18, 2013 – Journal vouchers – I - \$148,844.38, C.D. Requisitions – 8 - \$7,716.62, Master 23636 – 23759 - \$493,181.61 making a Grand Total of \$649,742.61.

Mr. Palumbo seconded the motion.

Jim Carnahan – 201 Jefferson Road – on Page 16 this YMCA East Community Scholarship Fund is that an ongoing thing every year?

Mayor DeLuca – yes that is a CDBG Budget. A scholarship that goes to them. Ever since I have been on Council it has been there.

Jim Carnahan – who benefits from the scholarship?

Manager Rayan – it is through the YMCA for all the programs provided to the youths within the Community.

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 #23734 to Don Kuhn Auto Body and yes to all others.

## **ITEMS FOR CONSIDERATIONS** **MOTIONS**

Mr. Underwood made a motion to ratify **Resolution No. 2013-006** approving the Right of Entry at 1070 Jefferson Road, as set forth in Ordinance 1939 Section 105.3.2, an Administrative Warrant is requested by The Code Enforcement Department as set forth on February 4, 2013 by Mayor & Council and also motion to ratify the February 4, 2013 Expenditures as set forth by Mayor & Council on February 4, 2013 in the amount of \$613,049.83.

Mr. Palumbo seconded the motion.

Mayor DeLuca – before I open up for questions, just to let the audience know that on February 4 that is when the snow was coming down heavy so for the Expenditures it was a phone vote and the Manager called everyone because we didn't want to hold up the vendors from getting paid and the same thing with the Resolution we voted and the Manager called everyone and we voted by phone so we are just ratifying these at a public meeting.

Patrick Varine – Penn Hills Progress – just a couple of quick questions on item 7a. First I was just curious on the process or what the Code Enforcement Department encounters that would lead to them requesting an Administrative Warrant like this and number 2 - I was just going to ask who would be the best person to talk with once the warrant is served about what was inside the house?

Manager Rayan – the first question the Code Enforcement is denied entry that constitutes the request to Mayor & Council to obtain the Administrative Warrant to subsequently receive the actual legal warrant from the Magistrate's Office to enter the property. That is the first question. Second question your best bet would be the Code Enforcement Acting Director Mr. McCafferty because he is the one who is going to be conducting the operation or the entry of the property.

Patrick Varine – o.k. I don't ever remember seeing that in the couple of years that I have been covering Council, does that happen very often, have you ever encountered something like that recently?

Mayor DeLuca – I think this is the first one.

Patrick Varine – o.k. thank you.

There being no further discussion the motions were approved by a 5-0 vote.  
Mrs. Kuhn abstained from check #23611 to Don Kuhn Auto Body.

## **REPORTS**

Mrs. Kuhn – Mayor DeLuca, I am sure you are going to make a statement on it to because of the fact that we were in attendance for the Fireman’s Essay Contest and it is such a worthwhile situation because it represents our youth and how wonderful they are that they do this every year and the fact that Rich Grove who handles it for the fireman had stated that Penn Hills every year has more winners than any other community around and it speaks well for the teachers because of the fact they put so much effort in it with helping the children do it and of course it is also wonderful because it brings attention to our Fire Department who do so much for the Municipality and when we are talking about taxes we must always remember our Fire Department are volunteers and if the Municipality had to pay for fire service we would never be able to handle the cost and the taxes for it. So it was a wonderful event to go to and I didn’t know if it was too much trouble Moe or if it isn’t too much trouble I didn’t know if you could list the ten winners on the web-site. I think they had asked for some media but I didn’t see that any media was there so I just thought it would be nice if we could give some recognition to those ten winners.

Manager Rayan – no that wouldn’t be a problem posting it on the web-site.

Mayor DeLuca – I just wanted to say that our students have been doing a fantastic job at this Fireman’s Essay Contest, last year we had 24 students that went to the Regional’s and out of the twenty-four, eighteen won. This year we have fourteen kids that won the essay contest and seven of them are going to the Regional’s so Patrick if you could talk to Rich Grove. I think the Regional’s Contest is in March. Normally from what Rich has told us usually it is the Penn Hill’s kids that win every time so we are looking at probably all seven winning. That would be nice.

## **ADJOURNMENT**

Mayor Deluca entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion

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

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DATE

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MAUREEN M. SORCE  
MANAGER’S SECRETARY

