

APRIL 15, 2013 COUNCIL MEETING MINUTES

The April 15, 2013 Council Meeting was called to order at 7:30 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

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

Also present were Manager Rayan, Secretary Sorce, Finance Director Schrecengost, WPCD Director O’Grady, Controller Futules, IT Director Day and Solicitor Alexander.

CITIZENS TO ADDRESS COUNCIL

Joyce Davis – Greetings from the Lincoln Park Community Center. I am here to talk to you about our small business support center and that is a new program that we have and I just wanted to give you a report on what is happening with it. What we have done is we are bringing in small businesses some of them may want to rent space in our building and that is a plus for us but they also are people in Penn Hills who want to expand their businesses. They want to work with us so that they can grow their businesses and one of the first ones is a candy company that is run by Teresa Flowers Germany and she is a Penn Hill’s resident and Teresa had an idea to start a candy company and so she is using our kitchen. We now have our kitchen as a licensed kitchen and we really thank you all for the support that we got to help that kitchen and free to up right it so that it is able to be

licensed by the Department of Health. In her program she provides opportunity to youth to work with her to learn how to make candy and she is helping them to start their own businesses and when we have events sometimes they are actually there selling candy or giving out samples and they have their chef hats on, they have their white outfits on and they are interacting and learning how to sell and talk with people. If they are doing samples or if it is something where they are actually selling the candy but this is a business that will help other people in our Community to be able to develop dreams and thoughts and plans and start their own businesses. So she is starting with the little children helping them plus she is selling candy, making candy and expanding her business. We are really interested in people who are going to help other people so that they reach back and help others along as they move forward. We have a daycare and there is a young lady right from Lincoln Park who is opening that daycare. She has her occupancy permit, she is working on getting the things together for her daycare and that is an expansion that if we end up somebody leaves our building as she grows she will be able to move into that space for families who need care before Head Start or after Head Start she will be able to serve them. We are working with her in finding low cost items that she needs and helping her get her business plan in place and helping her reach her dream. She will serve our children. She will serve the children in our Community in the Penn Hill's Community who need child care, who need affordable and a good solid base daycare setting. We also have a cooking program that we are doing in the kitchen and with this program what we are doing is we are reaching to our youth who are doing community service. We have community service youth who come from Wilkinsburg, Homewood, the Hill, North Side and they are all at our building together and we do not have any problem. They are well supervised, they come, they know what is expected of them, and there is staffing to help them to become successful and they are all there together with Penn Hills students and that I think is a very positive thing. Because we find after they worked and up to this time they have spent a lot of time cleaning they go out and clean up the litter on the street they clean the parking lot, they clean inside the building we are now taking them to the next step and that is to help them gain cooking skills to help them to be able to hopefully start thinking about employment because a lot of them

probably will get jobs or could get jobs in the food service industry. We have them cooking, they are down stairs and these are big teenage boys with a cap on their head with a white apron on and plastic gloves on and they are cooking. They cooked last week they made twice stuffed baked potatoes and some of them didn't even know what we were talking about when we talked about how you take the potato out cut it carefully take it out but they learned. They learned they made the product they mashed the potatoes they stuffed them they put them back in the oven and when they came out they were absolutely beautiful. Now some of them we had to pitch because they ripped them up as they were working but they had that sense of I can do something and then we had the little plastic containers which they put them in and they had a beautiful presentation and I could see on their face like they were shocked we did this we did this and we talked about jobs and we talked about the work ethic and we talked about cleanliness and things that you could take to any job at their age and get a job, a beginning job. I am very proud of that program because it is easy to take people like Teresa Flowers who have a candy company and a business plan and etc. and the daycare who have a business plan and has been to training but now we are really starting to reach out to people who often we think you can't do anything with. These are the 16, 17, 18 year olds that are doing community service some of them are actually wearing ankle bracelets because they are in a more restrictive program and they are cooking. Then the food was given out to some of our families who may not have a kitchen and they can cook in and they got to hear who was going to get it and that really excited them that somebody would get this something that they made would help somebody who didn't have the access to a kitchen in their housing and so I believe these kinds of programs we will make them grow and we will work with our partners and we will be able to reach some of our youth. We know we can't reach them all but if we can reach some of them and make them start to think about I can get a job and I can do something and I can produce something somebody wants I believe that is a very powerful thing. People like Teresa and her candy company she will be reaching to small children helping them and at some point she has told me that she is willing to work with some of my older people and teach them how to make candy and we can bring them along and give them that possibility that they can get a

job and not only just get a job but they can work with people from many different communities. I don't see many places where I see youth from Homewood, the Hill, and Wilksburg and the North Side standing side by side all wearing the same outfit working together on a project. So I am really proud of that and I am proud of the fact that they are able to come and to learn and to be a productive part of our community. This is our newest project because of the kitchen we are able to do it because so much comes out of that kitchen. The kitchen is used for the candy company, it is used for some of our children's programs so we are really reaping the benefits of the kitchen and then it gives us more space so that we can get eggs and turkeys and all kinds of meat for our families through the food pantry because it gives us more cold and frozen space so I just wanted to thank you and let you know what we were doing and at some other point I am going to be bringing some of my partners up to talk to you about the children's program and I would like to have one of them come and present and tell you what is going on with the children's programs because there are some very powerful things happening, Christian life skills is there working with older people, the older teenagers and there are some programs for the younger children there. Thank you.

Mayor DeLuca – thank you Joyce.

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve the Minutes of April 1, 2013.

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 of April 15, 2013, C.D. Requisitions – 2 - \$19,640.00, Master 24137-24254 - \$580,094.78 making a grand total of \$599,734.78.

Mr. Palumbo seconded the motion.

Mickey O’Conner – 1095 Maple Avenue – page 14 last one on the list. I bet Moe knows I am going to ask this question. How come we had to spend \$5,675 for plowing and salting?

Moe Rayan – The guy that we had Mickey that does that on an hourly basis was on vacation, so we had to replace him and it happened that it snowed a lot that was for sidewalk work.

Mickey O’Conner – o.k. I thought we had enough guys down there but I guess we don’t huh.

Moe Rayan – we do but they were taking care of the roads.

Mickey O’Conner – o.k.

Mrs. Kuhn abstained from Check No. 24153 Don Kuhn Auto Body for \$502.30, yes to all others.

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

ORDINANCE

Mr. Palumbo made a motion to approve Ordinance No. 2013-2555 approving the editing and inclusion of Local Legislation Incorporated into The Codified Ordinances of The Municipality and to approve, adopt and enact New Matter in The Codified Ordinances.

Dr. Kincaid seconded the motion.

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

RESOLUTIONS

Mr. Palumbo made a motion to approve Resolution No. 2013-017 authorizing the proper Municipal Official to enter into an Agreement with Jump Start Sports.

Mr. Underwood seconded the motion.

Mrs. Kuhn – Mr. Mayor – I just was wondering it doesn't say - it says at a Municipal Park Property is there a particular park?

Moe Rayan – yes it is going to be at Universal Park Mrs. Kuhn.

Mrs. Kuhn – and then who determines Moe how many because I see that we get 30% of all registration fees received, who determines how many registrations were actually given, how do we determine that?

Moe Rayan – he is going to apply through the Public Works rather the Parks & Recreation Department in conjunction with John Scaglione's people and so on so there is some accountability is going to be there to determine. Of course he is hoping to get more people as much as they can but as far as making sure how many he is reporting we are going to have a count on that.

Mrs. Kuhn – o.k. we are counting on what he is giving us, is that correct?

Moe Rayan – that is correct, yes.

Mrs. Kuhn – how is the public informed about this function Moe?

Moe Rayan – I believe he is going to take care of all the advertisement and all of the brochures and catalogs to the schools and stuff like that it is all going to be done outside of our jurisdiction.

Mrs. Kuhn – o.k. thank you.

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

Mr. Underwood made a motion to approve Resolution No. 2013-018 authorizing The Proper Municipal Official to enter into an Agreement with Tyler Technologies for a Server Platform for The Munis Computer Operations at a cost of \$162,681.00 over a three-year period.

Dr. Kincaid seconded the motion.

Jack Day – Where we are at right now with Munis is that they have a new product and as of April of 2014 our product will be retired so we will have to purchase their new software. The cost of their new software when compared to the cost of the software as a service is basically the software is a little less expensive and you are getting more services out of that. Software as a service means that they actually house your server, they purchase your server I should say they house it in their data center they maintain your server in their data center they load the software always up to date with the latest software they do the backups they create the disaster recovery plan and they are responsible for the disaster recovery. They have the security in place they have a data center which has the type of environment that is necessary to run these types of servers. Because the financial system is a mission critical system this is one of the main reasons why I recommend that we go the Software as a service route other than that we would have to purchase a new server, we would have to purchase the software we would maintain the server we would do the backups we would have to create our own disaster recovery plan we would do the updates when we are able to do them we would still call their support people when we would have a problem with this software. Being on site all we have to do is make one call and they take care of the problem right there. They don't have to do a remote they don't have to send anybody here so we are not paying for nobody to come here and stay in a hotel and we are not paying that extra money for their services. So software as a service is basically that is what it is you are purchasing the whole service and they are housing your application and your server in their environment and they are

responsible for your data, we still own our data but they are responsible for the security of our data. If we were to have a disaster we can access it from home. The only thing that is necessary for us to access our application is a web browser. So if there is a disaster anywhere all we need is a web browser and a computer and we access our data, our financial data.

Mayor DeLuca – Jack, this is the cheaper route than us going and buying our server?

Jack Day – yes it is for numerous reasons. One of them is they upgrade their software every two years and when they upgrade that software normally we have to get a new server because of the way they upgrade their software and the new capabilities of their software and the supporting software that needs to be on our server to run it and our server will not support it so we normally have to buy a new server and then we have to buy their software. This is the better route; this is the route that most corporations or organizations are going with today.

Dr. Kincaid – I don't understand it but I try to understand it. Just two questions relevant to the points 18, 19 and 20 I guess just put it in layman's language relevant to the each year increment of the 5% increase is that a standard?

Jack Day – yes it is pretty standard. Most of the time our software is 10%.

Dr. Kincaid – o.k. for instance at the bottom same page it says fixed price for three years is that an inconsistency there?

Jack Day – you are looking at the comparison. You are looking at the comparison of the software service versus us housing.

Dr. Kincaid – o.k. I didn't see that word there. O.K. thank you. Number 2 – and again all of us in this room knows what has been happening with the major banks in our community and etc. regarding hacking I will use layman's terms so you said in an event of a disaster

you would use a web browser wherever it will be located how secure is that from hackers?

Jack Day – it is as secure as your phone, it is as secure as anything else we use. I am not going to sit here and tell you a lie. There is nothing out there that can't be hacked. Nothing but it is as secure as anything else and basically it is up to the user to make it as secure as possible.

Dr. Kincaid – so is there any default in that kind of thing when we get hacked? Liability?

Jack Day – not if you have the proper mechanism and controls in place. Now if you don't have the proper controls in place that is where you are liable because they are going to ask you now you know this is happening so why don't you have the controls in place. If you have the proper controls in place no there is no liability.

Dr. Kincaid – thank you very much.

Mrs. Kuhn – first of all Jack I want to thank you for the memo that you sent out and attachments it was very informative and answered a lot of the questions. But just to clarify it in my mind we are saying then that to purchase the new server is to support the upgrades it is cheaper to convert to the Munis and that would cost us less upgrades?

Jack Day – exactly.

Mrs. Kuhn – you also said that our services and licensing fees would be included in their platform.

Jack Day – exactly.

Mrs. Kuhn – so that would be an additional cost that we would have if we did not go with them. Is that correct?

Jack Day – exactly.

Mrs. Kuhn – and they do provide and house the server which is a big thing for us because that saves money for us in the long run if something would happen and they perform the backup and restore. Now the only question I have about the access for the home and road you see that only as a plus and that that won't be a problem with people using it at home and on the road.

Jack Day – yes that is a plus we would have to give the individuals some information for them to even be able to access it via the home but that would only be necessary let's say Ed wanted to do something from home that he currently does here on a Saturday or a Sunday he could actually get in and do that from home.

Mrs. Kuhn – so there is no problem when we have it in the building here it is not less secure by having it being accessed at home.

Jack Day – No.

Mrs. Kuhn – Thanks again Jack and like I said nice job on giving the information.

Jack Day – thank you.

Mayor DeLuca – thanks Jack.

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

Mr. Underwood made a motion to approve Resolution No. 2013-019 authorizing The Proper Municipal Official to enter into an Agreement with Joseph B. Whiteford.

Mr. Kincaid seconded the motion.

Mrs. Kuhn – Now if I read this this does complete all litigation with just Joseph B. Whiteford, am I correct?

Craig Alexander – that is correct. We only entered into a Settlement Agreement with the son.

Mrs. Kuhn – with the son. Well that is a beginning because this litigation has been going on forever and it has been very costly so I do want to thank the Solicitor and the Manager for all their work in finalizing at least this stage of it. Thank you.

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

Mr. Palumbo made a motion to approve Resolution No. 2013-020 authorizing issuance of individual Procurement Cards.

Mr. Underwood seconded the motion.

Mrs. Kuhn – In the Ordinance here are we following the Commonwealth of Pennsylvania

Mayor DeLuca – you mean zoning requirements?

Mrs. Kuhn – right on this.

Mayor DeLuca – no. Our bidding requirements stay the same \$10,000 and \$40,000.

Mrs. Kuhn – this is Procurement, but our system is not the same because what my question would be is on this one Moe it doesn't say how many cards are available so what my question would be are these going to be specified by you Moe, correct?

Moe Rayan – yes, correct. Those cards are going to be issued for the Finance Department with a couple of people having access to them. They are not going to be floating around to all the departments Mrs. Kuhn it is going to be an internal control and they are going to be signed out and signed in by the Finance Department.

Mrs. Kuhn – o.k. because that was my concern because it doesn't state in here so I was wondering how many cards are available and who would receive the card and what is the procedure for their use. So you are saying that they will be

Moe Rayan – internal control, yes, by the Finance Department between Mr. Schrecengost and Mrs. O'Conner.

Mrs. Kuhn – and that way they would have to come in and check and sign out and they are just not carrying them around?

Moe Rayan – absolutely, yes.

Mrs. Kuhn – thank you.

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

Mr. Palumbo made a motion to approve Resolution No. 2013-021 awarding a Contract to Soli Construction, Inc. for Contract A (Excavation) of Phase V 2013 Sewer Repairs Project.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – following this I do see that we did have seven bids and from my calculation Soli Construction was the lowest bid. There were like three or four that were relatively the same but then we had one that was double \$1,434,270 the only question I have Moe is that with there being such a difference there we are not going to look at change orders on these, am I correct? Everything they all bid on the exact same identical bid spec, is that correct?

Moe Rayan - that is correct. Everybody bid on the same specs. Once in a while we get some of these contractors who think they might get the bid if the other contractors might of went to sleep or something like that, then he will get the bid for that amount, it is pretty common in the industry.

Mrs. Kuhn – you know Moe that I am always concerned about Change Orders so I just wanted to make sure we don't get a low bidder and then he comes in and thinks that he can hit us with a change order then he really isn't the low bidder. Like I said there were like four or five that were within maybe four or five thousand dollars and then that one jumped up.

Moe Rayan – and that is why we thought they were pretty reasonable I think the contractors bid a little less than what the engineers estimate was within a few thousand dollars they weren't too far from it again you have the three or four contractors that were within the amount that was closer to the engineers. Tom and his crew are aware of the change orders. We don't like to go that route but there are times with unforeseen matters that we have to handle out in the field and we always bring that to your attention before it happens so you are aware of it.

Mrs. Kuhn – thanks Moe.

Ed Schrecengost – Is that amount right or is it \$744,330.00?

Moe Rayan – it is \$330. The Resolution has to be corrected.

Mayor DeLuca – Maureen who made the motion.

Maureen Sorce – Mr. Palumbo made the motion, Dr. Kincaid seconded the motion.

Mayor DeLuca – are you o.k. with the amendment.

Dr. Kincaid and Mr. Palumbo – yes.

Mayor DeLuca – o.k.

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

Mr. Underwood made a motion to approve Resolution No. 2013-022 awarding a Contract to United Survey, Inc. for Contract B (Lining) of Phase V 2013 Sewer Repair Project.

Dr. Kincaid seconded the motion.

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

Mrs. Kuhn made a motion to approve Resolution No. 2013-023 awarding a Contract to Osiris Enterprises for Contract C (Special Repairs) of Phase V 2013 Sewer Repairs Projects.

Mr. Palumbo seconded the motion.

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

Mickey O'Conner – 1095 Maple Avenue – this contract and the other two above this one who inspects the projects?

Moe Rayan – Gateway Engineers.

Mickey O'Conner – they do the specs and they inspect the work?

Moe Rayan – they are not performing the work they are inspecting the contractor's work.

Mickey O'Conner – they did the specifications for the contracts. Right?

Moe Rayan – correct.

Mickey O'Conner – they are inspecting what they drew up.

Moe Rayan – I know what you are getting at Mickey they are the Municipal Engineer and we can go out and get another Contractor to inspect the work we monitor Gateway, Tom watches they don't have a

free run so we can put the bid out and have an outside inspector to inspect our work but we have been doing that internally as far as overseeing the engineers. We have deducted money from engineers that made mistakes on the drawings in the past so it is nothing new to us to do so if we have to.

Mickey O'Conner – my other concern is having had close relationships with a couple projects last year that they were working on one which was on Maple Avenue they were there for three or four days never once did I see an inspector from Gateway on the scene. So I think there is a little problem here with them being there when work is being done when you have so many contracts out there. No inspector on site.

Moe Rayan – If it is a paving program it is usually one inspector.

Mickey O'Conner – this was a four day dig with a sewer 12 feet deep with no inspector on site.

Moe Rayan – I wish you would have reported it then. We are going to have to look into that, is that Maple Avenue?

Mickey O'Conner – yes. That was when the Oakmont Water line was damaged.

Moe Rayan - well we can take a look at it and see what type of inspector's report we have for that day and the diary that they keep and see how many hours they are claiming and then go from there.

Mickey O'Conner – I didn't see them there at all. I only live two houses down.

Mrs. Kuhn – Tom you are saying that they are usually there on a daily basis. You would be able to check?

Tom O'Grady – they have daily logs.

Mayor DeLuca – Tom make sure you check that on Maple Avenue and do a memo.

Tom O’Grady – o.k.

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

Mr. Palumbo made a motion to approve Resolution No. 2013-024 awarding a Contract to Jeff Brooks Landscaping for the boarding up of abandoned buildings and/or cutting high grass.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – looking at the bids and going across here the only question I have is there seems to be such a difference in the removal of garbage and debris. Under Jeff Brooks he is saying \$25.00 the next one is \$200.00 which is eight times as much and then the next one is \$350.00. Now don’t get me wrong I love the low price but I just want to make sure that for \$25.00 we are going to get rid of the garbage and debris and that wasn’t put in there just to make the bid lower. It just seems like there was such a fluctuation there. I want to make sure that the garbage and debris is going to be collected and removed.

Mayor DeLuca – does he have his own dump site?

Moe Rayan – I am not sure about that Mayor as far as the dump site but we did question that and if you see under T Parke the only thing that was bid by that contractor it was the garbage removal and there was no other bid for any other kind of work.

Mrs. Kuhn – I don’t think T Parke even had a bid Moe for the garbage and debris. They said no bid under T Parke.

Moe Rayan – yes.

Mrs. Kuhn – but I am just saying the other two were \$200.00 and \$350.00; I just want to make sure that the \$25.00 that we are going to

make sure that they are going to take care of the garbage and debris removal.

Moe Rayan – o.k. I see what you are saying now.

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

Mr. Underwood made a motion to approve Resolution No. 2013-025 awarding a Contract to IBIS Specialized Vehicles for The UP Fit of four Police Vehicles.

Dr. Kincaid seconded the motion.

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

REPORTS

Mrs. Kuhn – I just want to report on that I did go in attendance at the Seven Springs Allegheny County Municipal League and I had an opportunity to go to several of the meetings one by Gateway with Ruth Ann and two with Schaumberg who is from the Allegheny County and they were productive and gave a lot of information and we also had one where all the state and federal representatives were in attendance and I had the opportunity to speak to them and I did let them know that Penn Hills, Joe was in the audience so he is smiling because of the fact that I had a little bit of a confrontation with Congressman Murphy because of the fact that I let them know that Penn Hills had paid their fair share of our sewer problems and that we were told on a continual basis that the surrounding Communities would have to be doing the same at some point in time and that Penn Hills did and those Communities would also have to be increasing their sewer fees. I did say to them that the meetings that I attended there they are talking about a lot of cooperation between the different Communities and what have you and I wanted it to be known that Penn Hills had no intention of taking any responsibility in our neighboring Communities because we felt we already done our share

and that was their share. I also said in length about EPA and how DEP at least is workable but EPA comes on like the biggest bully you ever want to see and they just come in with these requirements and mandates but unfortunately none of the mandates are funded. I told them of some experiences that we had with EPA and that I thought that the Federal Government and the Federal Representatives should look into it and I was told that there is nothing they can do because EPA is separate from the Government and at that point I told them well I didn't think that was an acceptable answer because of the fact that if the Government is in charge of all the departments that are in Washington, D.C. that we were in some trouble and that I know and you know yourself Mayor DeLuca that when this problem came up in Penn Hills with the sewer crisis that some people had suggested to you to have a sewer authority and you told them that you would not do that because of the fact you weren't going to use that as a scapegoat and tell the residents of Penn Hills that you have nothing to do with that that it is a Sewer Authority. So you took the hit as your administration did and I told the Congressman that I think that was just a scapegoat and that I think that the EPA needs to be looked into. But it was productive information.

Mayor DeLuca – just real quick at the meeting with ALCOSAN one of the things they were talking about I guess down the road I guess on the catch basins they are going to start mandating that we eliminate some of the runoff from the roads and that it will be unfunded mandate which naturally it will be another fee or something like that that will come down but when ALCOSAN talks about regionalizing like sanitary sewers one of the things they should be looking at right now is these catch basins that is where they should be regionalizing so right now from the ground so every Community has to share in these improvements and it is just not Penn Hills that gets hit again where we have to upgrade our catch basins and our waterways and every other Community has ten years to wait before they have to make those improvements. So it is coming down the line it doesn't look promising it is just unfortunate that EPA can put these types of mandates on Communities and always watching them.

Mrs. Kuhn – Mr. Mayor I do want to say that was Congressman Murphy but Congressman Keith Rothfus he afterwards had one of his aids come over and took my name and number and gave me his name and number and said that he would like to meet and have a discussion on this. So it was worthwhile doing. Before I leave I just wanted to say to Joyce Davis I thank you for the update you gave us on Lincoln Park Community Center and as I have said many times before Joyce this is a star for our Community. It shows what a Community and Government can do when they work together. At one time, you know as well as the Mayor does when that building was shut down because of a fire and through the efforts of you and your staff over there and Mayor DeLuca’s Administration we have made it into what it is today and it is a star for us to be proud of and it makes me feel very good to see that when Community and Government work together what can come from it. So thank you very much for your presentation.

Mayor DeLuca – with that we will go to Executive Session for personnel matter.

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 8:21 P.M.

DATE

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

