

JUNE 10, 2013 COUNCIL MEETING MINUTES

The June 10, 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

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

Also present were Manager Rayan, Secretary Sorce, Planning Director Davidson, Solicitor Dice and Alexander, Water Pollution Director O'Grady, Gateway Engineer Minsterman and Controller Futules.

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve the Minutes of May 13, 2013.

Mr. Palumbo seconded the motion.

Dr. Kincaid and Mrs. Kuhn abstained.

There being no further discussion the motion was approved by a 3-0 vote.

EXPENDITURES

Dr. Kincaid made a motion to approve the Expenditures of June 10, 2013, Journal Vouchers, 11 - \$2,736,341.94, C.D. Requisitions 10 - \$8,418.07, Master 24518-24753 – 1,473,692.63 making a grand total of \$4,218,452.64.

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

RESOLUTIONS

Mr. Underwood made a motion to approve **Resolution No. 2013-032** authorizing the execution of a Lease Agreement with The Penn Hills Family Service Group, Inc. for the operation of The Penn Hills Multi-Purpose Center at 2015 Lincoln Road.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – Mr. Mayor – If I could ask the Manager did the Director of the Multi-Purpose look over this and understand all the terms and conditions that we have stipulated and such.

Manager Rayan – I believe so. It was communicated to her by John Scaglione.

Mrs. Kuhn – I am sure I don't know if it is my reading or if it is a typographical error but #6 it has inspection and audit I just don't know if I am just not reading this properly the second sentence the Manager of the Municipality shall always has access to the books and records and shall have the right upon reasonable advance notice to the center's Director to inspect and it says the Municipality. I think there must be an error.

Manager Rayan – yes that is an error. Inspect the facility is how it should read.

Mrs. Kuhn - that is what I assumed. So if we could just put that in. It is a very good contract and everything in it is specified I believe in a way that is beneficial to both I just wanted to make sure that they were aware of all the stipulations that the Municipality had put on.

Manager Rayan – they will be given an opportunity again to get it before they sign it and take a look at it.

Mrs. Kuhn – o.k. thank you.

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

Mr. Palumbo made a motion to approve **Resolution 2013-033** authorizing The Proper Municipal Officials to enter into a Municipal Police Cooperative Agreement for The East Hills DUI Task Force.

Mr. Underwood seconded the motion.

Mrs. Kuhn – Mr. Mayor – We have had this Agreement before us before and I know at that time I had questioned the responsibilities of the Police Officers if they enter into Penn Hills and so I do want to say that on page #2, #4, #5 and then on page three # 6 are exactly all the questions that I had asked so I appreciate that Moe.

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. 2013-034** awarding a Contract to Ferragonio Distributing for the purchasing of office supplies.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – Mr. Mayor – Moe I did see on the memo that was attached to this that D&D Office Supplies are still able to be used because of the fact we are piggy backing on that with the State, so it is my understanding then Moe that even though we have a contract with Ferragonio we still have the right to purchase from D&D, is that correct?

Manager Rayan – that is correct, the Department Directors and/or the Secretaries will shop around and get the best price before they make the purchase.

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. 2013-035** exercising the option to renew the Contract for One (1) Year with Nick's Automotive, Inc., for the Maintenance/Repair of Municipal Vehicles.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – Mr. Mayor – I do know Moe that we did discuss about getting bids on any items that are not on the list of cost. Does the vendor know that we are doing that, because I don't know if this is just an extension from the previous Contract, I don't know if that is incorporated in the language?

Manager Rayan – it is an extension to the Contract however it is not incorporated in the existing language but in the past we have shopped around and if it was cheaper somewhere we did purchase or get the repair done that way so I am not sure if he is going to have a problem with that but it is what it is.

Mrs. Kuhn – I think what the question that Mayor & Council had was when it is like a large transmission or motor or something like that that it doesn't just automatically because he was sending it out so it was like a third party situation, so we wanted to make sure that from now on that we would have bids on that type of repair.

Manager Rayan – yes we have the options to go elsewhere.

Mrs. Kuhn – thank you.

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

Dr. Kincaid made a motion to approve **Resolution No. 2013-036** authorizing The Mayor to enter into a Three Year Agreement with The Pennsylvania Department of Transportation for sweeping certain State owned road ways within The Municipality.

Mr. Underwood 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. 2013-037** authorizing The Municipality of Penn Hills to enter into a Lease Agreement with Don Kuhn Auto Body for one-half of the space at 229 Sandy Creek Road, Verona, Pennsylvania on a yearly basis at \$600.00 per month.

Dr. Kincaid seconded the motion.

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

Mrs. Kuhn made a motion to approve **Resolution No. 2013-038** approving a Conditional Use Application for School House Finance, LLC. for the installation of four temporary classrooms at 200 Penn School Drive, and providing for a time extension and revisions to Resolution No. 12-040 of 2012.

Mayor DeLuca seconded the motion.

Mr. Mayor and Members of Council my name is Alan Shuckrow and I am Counsel for the applicant and I am prepared to present evidence if we need to or answer questions or proceed as you like. This was recommended by the Planning Commission as you see we had to, you probably remember this last year we had approval and it is not six it is four modular units, we had asked for six last year you granted four so there are only four out there I am not sure why the Agenda says six but the school diligently looked for an additional site for this coming school year and we have secured the sight but the sight will not be ready until the following school year and I have our developer here to talk about that. When we were ahead of the Planning Commission a few weeks ago the Planning Commission indicated we told them the same thing and they said if that is the case get the sales agreement done and present that to Council and we have done that. We do have the property at 1700 Universal Road in Penn Hills under agreement and we have presented a copy of that, I know the Solicitor has that because I was speaking to him before the meeting so that has occurred and I can have our developer come forward and tell you a little about the plans for that building for next year but in the interim we are requesting one more year to use these modular units and it would only be one year and we are ready to say tonight that

we are not even aloud to come back and ask for another year. We are not saying last year you said one year now you want another year we know these are temporary we didn't want to be here asking for another year but unfortunately the situation that we are in that is where we are so I guess I would leave it to you. We do have a court reporter it is a conditional use matter and if you deny it we would like to create a record and a hearing but if you are planning on approving it or you are considering approving it based on the Planning Commission's recommendation that would be fine as well at this point.

Mr. Dice – Solicitor – Just one comment you indicated that you would agree to that this would be just one more year.

Mr. Shuckrow – I was trying to come up with a way to bind us basically I saw your proposed resolution and you could add another condition that indicates that we would under no circumstances would we even be entitled to apply for an additional extension.

Mr. Dice - make it number six. So you are agreeing to that?

Mr. Shuckrow - yes we are agreeing to that. The President of the School Board is here, we spoke about this before today and I represent Imagine School and School House Finance and we are all in agreement to that. We are dead serious just one more year we have got this property under agreement.

Mr. Dice – so let us make the record indicate that there are six conditions and not five. That condition will be added.

Mayor DeLuca – I see on the Resolution that there are four trailers up there?

Mr. Shuckrow – there are only four, it should say four here.

Mayor DeLuca – I would like that changed and corrected.

Mr. Shuckrow – that is all that is there and that is all that you approved last year.

Mayor DeLuca – o.k.

Mrs. Kuhn – when it went before Planning did you have six or

Mr. Shuckrow – no it is four. Again I am not sure why it says six.

Mayor DeLuca – was it originally?

Howard Davidson- it might have been originally but it should be four.

Mr. Shuckrow – we are not trying to sneak two more trailers in there, it is four.

Mr. Underwood – excuse me. I understand that I just heard something that I have a problem with because originally the school came in front of Council with six and then they backed off and went to five, I don't recall agreeing to four but four was better than five.

Mr. Shuckrow – four is what you approved last year and in your packet here that is what you approved.

Mr. Underwood – o.k. I am sorry I don't recall that.

Mr. Shuckrow – that is o.k. that is in the Resolution that you approved last year that is part of the packet which would be of evidence in this record.

Howard Davidson – There are four drawings that were submitted with the application.

Mr. Underwood – how come we didn't get that in our packet?

Howard Davidson – it is in your packet. The drawings are in your packet.

Mr. Underwood – the drawings?

Howard Davidson – there is a drawing in your packet that shows four.

Moe Rayan – at the end of this particular Resolution Mr. Underwood it is the last year's Resolution attached.

Mr. Shuckrow – yes but there is a photograph I submitted it is here. It is in your packet at the end of your packet we submitted it. It is a Lami Grubb Drawing a-100 Alternative temporary trailer location plan and it shows the four trailers where they are and that was developed at your instruction and what you approved last year.

Mrs. Kuhn – before you have the Contractor come up here there are some issues that need to be addressed here. Last year when we had this it was a very lengthy discussion and there were a lot of concerns that were put into place and at that time too I think it was myself I apologize I didn't get the minutes from the last year's meeting but I think I had stated what are you going to do next year if you want to increase the number of classrooms and you don't have another building to go to are you going to come up then and ask us to give you another year and I was told at that time that that would not be the case. So I mean that was one of the reasons why it was approved we definitely made it that it would only be one year because really and truthfully I do not feel that children should be in separate trailers and not in the complete building, but being that there was such an emphasis on the teaching and the abilities of what was given to these students that we did make that exception but it is very difficult then when we make an exception and then we turn around and the following year we have the same exact scenario come before us again. I will say that I have had some phone calls from

parents that have children there who had concerns about the trailers. Now I don't know I asked the Manager today and he wasn't sure what exactly Howard maybe you know what the exact ruling is on some type of fire protection in these trailers?

Howard Davidson – the trailers that are there now meet fire codes, meet safety codes, meet handicap access regulations they have all been met.

Mrs. Kuhn – what are the fire codes?

Howard Davidson – your point is well taken in that we want our students to be in permanent building and not temporary buildings but those temporary buildings are meeting our building codes standards for safety and they are in place they meet them.

Mrs. Kuhn – but what my question was Howard is what is the code for a trailer as far as a fire code?

Howard Davidson – I couldn't tell you the details other than my conversations with John McCafferty and that we have the International Building Code in Penn Hills and these buildings meet that building code, must meet that building code.

Mrs. Kuhn – because trailers as far as the codes are concerned might meet one type of code but I am talking about trailers that house small children.

Howard Davidson – well they still have to meet all the safety standards and the fire ratings and the handicap access and sufficient lighting.

Mrs. Kuhn – so what you are saying is that these trailers are up to Code if there would be God forbid any type of fire that these children are not going to be because trailers you know they go up very quickly.

Howard Davidson- the answer is yes. The answer has to be yes we wouldn't put the children in any temporary building that did not meet the minimum building code standards of our building code.

Mrs. Kuhn – o.k. and then the other thing is we had stipulated about the walk way and I know that got back and forth because once we asked for the walkway from the trailers into the building that it would be covered and have sides on it and then something came up to Mayor & Council that that was not

Howard Davidson – there was discussion some people were under the impression that they had to cover the walk way. On the other hand covering the walk way did create some building code problems as their architect told us. It meets the building codes standards but does not meet the impression that some people have that it would be covered.

Mrs. Kuhn - wait a minute Howard you are playing with words.

Howard Davidson – I am sorry not covered, enclosed.

Mrs. Kuhn – o.k. because of the fact we had definitely wanted it covered.

Howard Davidson – some people were under the impression

Mrs. Kuhn – it wasn't an impression Howard we asked for it to be covered and we did ask and I did ask for the sides to be enclosed because my concern was if you have a teacher in the trailer with 25 children and one has to go to the bathroom now they did put bathrooms in the trailers am I correct?

Mr. Shuckrow – that is correct.

Mrs. Kuhn – they are in there. But they do have to transport from the trailers to the main building for going to the cafeteria or going to the gymnasium? Is that correct?

Mr. Shuckrow – that is correct. Mrs. Kuhn I have some photographs of what is there and there are covered areas.

Mrs. Kuhn – no I know that because I looked at it but my concern was when these children would be transferred from the trailers to the building I wanted to make sure there wasn't any way that they would be able to be taken or stray from there, but being that the bathrooms were put in that was my main concern because I didn't want children going out of the trailer into the building by themselves and having a predator up there and take a child not under my watch.

Mr. Shuckrow – and the bathrooms were put in because of the concerns you raised last year because when we originally proposed it we were not going to have bathrooms in the modular units but because of the concerns you raised and the concerns Council raised the bathrooms are in the modular units.

Mrs. Kuhn – right so each trailer does have a bathroom for the children to use and that is useable is that correct?

Mr. Shuckrow – that is correct.

Mrs. Kuhn – now as far as the sales agreement, unfortunately this was just presented to us when we sat down so we really didn't have any time to look over it and I just briefly looked at it and I do see that there is no set date pertaining to closing just briefly looking at it the few minutes before the meeting started if you look under section 3 of closing number B it has not later than 15 days following the completion of the investigation period. Well if you look then on paragraph 2 under investigation of the property it has buyer shall have 90 days after the effected date and then goes on to say buyer may deem necessary or advisable including without limitations and it lists what they are but then on b it has buyer shall notify seller in writing that buyer in its sole

discretion is not satisfied with the results of the task. Now is this building that you are purchasing this is not the Washington School? Am I correct? This is a building that used to be a school probably 50 years ago, is that correct?

Mr. Shuckrow – for the records this is Andy Scherer from Tusk Development who is the purchaser under the Sales Agreement and he has for Council photographs.

Mrs. Kuhn – that is the building that I assumed that it was. That building has been vacant am I right in saying. Probably over fifty years?

Moe Rayan – no probably a couple months. There were a couple different tenants in there, the last group vacated a couple months ago.

Howard Davidson – it has only been vacant for a short time. There has been a business in there for years.

Mrs. Kuhn – o.k. I am talking from when it was a school.

Howard Davidson – I have been here a long time and I don't remember it being a school.

Mrs. Kuhn – well unfortunately Howard I have been here longer, but that is what I am saying from when it was a school it has been well over fifty years. So we would be talking about a great deal of remodeling if you even want to say remodeling to put this into a building that would house a school with this many children in it.

Mr. Shuckrow – that is correct. Mr. Scherer can explain further. We are here tonight to get a modification of our Conditional Use Approval for the modulars. Mr. Scherer will tell you that as part of their due diligence period under the sales agreement that you referenced they will be back in front of you to get Conditional Use approval for the building.

Mrs. Kuhn – I realize that but it isn't separate because of the fact the Planning Commission only approved it on the agreement of a sales agreement. So even though you are just asking for the four trailers to be given another year it is on what will happen with this building because otherwise if there wasn't a sales agreement the Planning Commission would not of approved this. So it isn't separate it is one in the same because we do have to base it on this building and my question is I have nothing here to show me anything saying , you can have a sales agreement written up by anyone, you know but the actuality of it is, is this building going to be able to be ready for the next year in one year's time and secondly with the reading that I in the agreement it is showing that there is nothing to have the school just walk away from this with no penalty because of the fact that they can say they were not happy with what the investigation was. Do you understand that that is where my dilemma is because of the fact if we approve this going on the sales agreement but then the sales agreement becomes null

and void then we approved something that actually wasn't under what the Planning Commission's intent was. So that is where my question is.

Mr. Scherer – Again my name is Andy Scherer, I am with Tusk Development, this is the fifth school of this type that we have developed. Where we have taken a building that was either built originally as a school and converted to something else over time or converted a building that wasn't being fully utilized and converted it to a school. This building has the location it has the lot size it has about 3 acres so in addition to the building we are planning an expansion of the existing building to accommodate the number of kids that are in it and because it was building initially as a school it lends itself to becoming a school again. This is a drawing from 1923 when the school was built initially and you can see when it was originally conceived it was a school and we will bring it back. I don't know if it will look exactly like this but it will be clearly a school and it will function in every way as a school needs to for that number of students. The property is there to allow us to do that to allow for the bus access that will need getting in and out. The set back requirements we believe can be met. All of the things are there and we have about 14 months from now to develop the school and we believe based on our past experience that is sufficient time to do what we need to do in order to have them in there and operating next fall. I can also address your concern about the sales agreement. The sales agreement is as with any sales agreement for any commercial property includes a due diligence period. That period is partly for us to make sure that there are no things in there that will prohibit us from delivering on the vision that we have for this property. Our job is really to anticipate all problems and make sure we address them in time before they become even bigger problems. So we will get in there and we will look at everything, make sure that it can accommodate what we need it to. There is money that we put into this arrangement it is not just an agreement there is hand money that goes into it that becomes non-refundable over the course of the diligent period so we are fully invested into this process and making sure that this building is successful and to do everything that we possibly can to ensure that we deliver it.

Mrs. Kuhn – on that agreement it has buyers shall have 90 days after the effective date. Does that mean 90 days after you have signed the sales agreement?

Mr. Scherer – that is correct.

Mrs. Kuhn – so the sales agreement was signed June 6, so you have 90 days to reject this if you choose to. Is that correct?

Mr. Scherer – there are consequences to rejecting it. There are two very significant consequences one is we lose our hand money and two we put ourselves at risk time line wise in order to be able to deliver a building. Our intentions to make this work and to overcome any problems that come up through the normal process of renovating a building and that is what we do.

Mrs. Kuhn – there again with the 90 days, and you had stated it just yourself here, now if we go into 90 days we are talking June, July, August and September so then in reality you wouldn't even begin probably starting the remodeling of this until September of this year and then you would have to have it ready for August of next year so now we are down to 11 months.

Mr. Scherer - But there are a couple things one is doing during the diligence process there are a number of things that we will need to do that don't involve beginning construction. There are planning, there are zoning requirements that have to be met, submissions that have to be made, final plans that are drawn to make sure that they meet the code requirements. We will go through all those processes. We also have the option to close in less than 90 days which would be our intent. We want to make sure that when we develop an agreement that we have enough time to be able to do what we need to do and to make that work but it would certainly be advantageous to us be able to close prior to the end of the inspection period.

Mr. Kuhn – is there any reason because this building has been vacant for a few months now, is there any reason why because it would have been much more I would have felt much easier if you would have actually gone through this already. But the thing of it is the sales agreement comes on June 6th, is there any reason why when you knew you had to have these trailers removed by the 30th, why did it take so long for you to get an agreement on this piece of property.

Mr. Scherer – sure we investigated a number of other properties in the area and we made some very serious attempts at acquiring some others. Unfortunately that did not work out and then this property became available. So it wasn't available when we began this process but it became available to us just a few weeks ago. So we have already begun the process through the inspection process we have it under agreement and we are moving full speed to deliver it.

Dr. Kincaid – o.k. my discomfort is similar to Mrs. Kuhn. I will just piggyback, she has adequately spoken on quite a few things. The first statement your attorney made was that your goal was 2014 which she says August I guess that is August or September. That is your long range goal for consummation for me that seems like a short range goal number 1 and number 2 my discomfort in addition and you have adequately spoken to it and I won't replicate it you have looked at other places and you do know that supposedly in the future there are other buildings will be coming open in Penn Hills in the future relevant to the new buildings that are coming so part of my discomfort why the hurry? Number 3 my real question to you attorney and Mr. Scherer is what guarantees are you going to have that you are going to make that goal by 2014 or will you be back before us again even though you put that little stipulation there I heard that this time a year from now? No one has a crystal ball and no one knows the future. In all due respect your intelligence, there are all kinds of costs, over runs, there are other things, stipulations, there are Federal, there are State Rules, OSHA, accessibility stuff. You are looking at an old building here. I guess my quarry is how do you give us a guarantee that you can make that goal?

Mr. Scherer – I can't give you a guarantee and if I could you rightfully would not believe me. But I can tell you that we have done this in the past under the very same kinds of timelines with buildings in worst shape and properties that were more difficult to renovate. One of the things we like about this building is that it is open and vacant and it lends itself it is basically a shell for us right now to work in so we don't have to undue a lot of things that are already done we can start from where it is and go from there.

Mayor DeLuca – let me ask you the new building so you have already gone inside and inspected it and hazards that are in the building like asbestos, have you already determined if it has it, you have to get permits.

Manager Rayan – that is through the environmental assessment that you have to go through.

Mr. Scherer – what I would describe as a preliminary investigation into those kinds of environmental issues. We didn't see anything that would cause a problem with a time line, certainly as we get into the diligence process and we have more regular access to the property we will bring the experts in to do their formal evaluations. We will need that as building owners to make sure that we are not creating a problem for our tenant. We want to do it to protect the kids but we also do it to protect ourselves.

Mayor DeLuca – what type of business was in there?

Howard Davidson – industrial.

Mayor DeLuca – chemical or what?

Howard DeLuca – no it was a manufacturing business but I don't have enough knowledge about the type of parts that they were making. I met the owner and talked with him and know that it was industrial manufacturing of parts.

Mayor DeLuca – say you get in there and in July there is no way you can renovate this building so if we do grant the approval for the trailers for one year what is your plan because that is what you are getting, one more year. You can't come back to Mayor & Council, are you hoping the school district gets the elementary building built and you can buy one of the elementary buildings or what is your plan say you can't renovate that building?

Mr. Scherer – we will obviously look at options, but right now we have done a pretty significant exploration to all available properties that have the size and lot size to accommodate our needs and we feel like this is the one that we need to work with and I am fairly confident that we are not going to get in there and find something that is so problematic that we can't proceed. That could certainly happen but based on the work that we have done to this point in evaluating it I think it is unlikely.

Mr. Shuckrow – I think this is such an interesting discussion because I think it really crystallizes the problem the school has because they knew all along that you had approved the trailers for one year. So they have been trying to get something ready for next year and when the school was originally formed and that the Penn Hills School District originally approved it, one of the things that we did is we attached to the Charter was an exhibit that included a list of ways that we might be able to cooperate with the School District. One of those ways was to purchase buildings from the school district and we did that. The building that we are in right now was purchased from the school district and there was clearly an expectation that within the next couple of years we would be able to purchase another building. But it hasn't happened so we are stuck here where we have you guys on the one hand saying you only have the trailers for one year and then on the other hand the school district is not ready. We had a Frankstown Road Property which we got a use various from your Zoning Board last year to be able to use a portion of that building. It is 10070 Frankstown Road but that property goes into receivership and so Mr. Scherer's Company was looking at buying that company this year to see if we could do something there but that just wasn't happening because of the legal issues involved. So we are where we are we have a workable solution we wish it would have been earlier. Mr. Davidson knows this I called him back in February, we might have to ask for another year and I said I really don't want to have to ask I waited a month I submitted this at the end of March we pulled it for a month because we were hoping something else would happen for next year but we are now in a position where we are and we need another year. We are respectfully requesting another year and we do have a plan, a real plan that is before you. That sales agreement there is nothing out of the ordinary about it, it is a commercially reasonable sales agreement with some time periods for the purchaser so it is a real plan, two of the board members for the school are here this evening, the principal of the school is here, we are here and it is very important to the future of the school and we hope that you will work with us not only tonight but throughout the conditional use process I know that Howard has already spoken about the next steps. So that is where we are.

Mrs. Kuhn – what you are stating here is correct. Some of it. Last year when we discussed this and we discussed the schools we asked the questions what is your plan if the schools are not ready to sell their schools for the next year and at that time we were told you were looking at other properties then.

Mr. Shuckrow – that is true.

Mrs. Kuhn – now, the question again comes up is let's say you have a scenario where this property turns out to be not of your use. O.K. or is not ready for next year, what are you going to do when those trailers come down next June, what are you going to do then with these children that you have enrolled if you have no place to put them?

Mr. Shuckrow – well I will say this we don't know the answer to that question right now, however the way you posed your question presupposes that if this property does fall through for some reason that there is no other option and maybe another option will present itself. Maybe there will be ability at that time to go back to the Frankstown Road

Property. We have basically exhausted our options up until this point and this is a real option, this is more than an option it is under a binding sales agreement.

Mrs. Kuhn – and I am saying it is not an option, but what I am saying is in reality I worked in construction I don't know how when that building is as old as it is and hadn't been a school for as many years as it did with all the approvals that you have to get and all the work that you have to get that you are going to be ready. But let's say that you get everything done. Here is the problem, your planning. You need to have a three year plan, a four year plan, and a five year plan. Your planning is very spur of the moment planning. Now right now last year you didn't plan for this next grade so you had to have these trailers. So we put the trailers in even though we weren't happy with it. So then you were suppose to have this year from last year to make your plan, now you are telling me in February you come up with we don't have a plan yet, well that was in June when we did that. So you had from June to February so now you are asking us to do this again but my question to you is if you don't have a facility next school year not 2013 but your 2014 school year if you don't have a facility not only are you not going to be able to put another grade in but what are you going to do with the children that are in the trailers that are going to be here. Last year you told us that you had to have the trailers because you were putting in the third grade and you didn't have room in the school for the other children. Well now you are putting in another grade but you are not adding any more square footage so where are these children that you are adding this next grade for, do you understand what I am saying, are your following me?

Mr. Shuckrow – I understand, I am following.

Mrs. Kuhn – you had kindergarten, first and second. We were told you had to have those trailers because you were putting the second graders into the third grade and bringing in kindergarten so you had four. So now if you are bringing in another grade and bringing in the kindergarten you are going to be bringing in I believe somewhere I read 80 students. Well where are the 80 students going to go if you didn't have room for them last year where are you having room for them this year?

Mr. Shuckrow – This is Dr. Carolyn Davis who is the principal of the school and I think she can discuss the fact that they believe they will have the room in the school to be able to do it.

Mrs. Kuhn – because my question is if you didn't have the room last year and it required the trailers then how are you getting the room this year?

Carolyn Davis – Good Evening. Currently we have sixteen classrooms that include four modular units and next year we will need eighteen classrooms. We will be using a resource room and an art room to equal the eighteen classrooms as well as continuing to have the four modular units.

Mrs. Kuhn – so what you are saying is you are going to be able to utilize space in the school for this new amount of children that are coming in but see my question is why weren't you able to do that last year instead of asking for trailers?

Carolyn Davis – well we had a committed art room and a committed resource room. Those are the rooms that we are going to look to collapse and place students in.

Mrs. Kuhn – so now you are not going to have an art room?

Carolyn Davis – we will have an art room, but it will be art on a cart.

Mayor DeLuca – when you say resource room are you talking about the library?

Carolyn Davis – no we are talking about special education. We have several offices down stairs that we could utilize for space, three offices are downstairs as well as the art room and we were looking to use that also as a resource room. We are an inclusion classroom where our special education teachers are pushed in and then we have pull out on an as needed basis for testing and for some one on one. So we still need that space for special education services.

Mrs. Kuhn – that plan was not acceptable last year.

Carolyn Davis – I don't know.

Mrs. Kuhn – it couldn't have been acceptable last year because I had asked that question. I had asked being that had been a school and had so many children at that school when it was one of our public schools why wasn't there enough room? I was told because of the fact that you have less children in your classrooms and you had no space in there and if we wouldn't have given you the trailers then you would have had to have more children in each classroom and that was going to go against what your problem represented. So that wasn't acceptable last year to utilize these rooms then my questions are why it is acceptable this year?

Mr. Shuckrow – well Dr. Davis was not the principal last summer when we were here but let me ask you this Dr. Davis, is what we are saying that is going to happen this year is that acceptable?

Carolyn Davis – yes.

Mayor DeLuca – let me ask you this, is the charter school under the same standards like regular public education for special education? The Department of Education will be o.k. with what you are proposing here tonight?

Mr. Shuckrow – yes, we are going to meet the federal special education laws, that requires each child has an individualized education plan and this school has to meet those needs. That is the bottom line.

Mr. Palumbo – Andy, what if you find asbestos in the building? How long does it take to get that all out?

Mr. Scherer – it really depends what form it is and how much there is. It can vary. It is hard for me to answer that question specifically. It is really a function of what type of asbestos we are dealing with. Whether it is pipe wrapped or tile or whether it needs to be removed, if it needs to be removed it will be done within the timing that we have.

Mr. Palumbo – Haymaker Road, Gateway School they took out asbestos and it took them almost a whole year to get it out.

Mr. Scherer – I think some of those schools when they were built it was everywhere. That was the way a lot of schools were built. It was in tile it was in ceiling, floor tile, pipe wrap, some plaster area. Those kinds of things are more challenging. We are not going to have that problem. Based on what we have seen we are not going to have nearly that degree if any of what those buildings the way they were constructed.

Mrs. Kuhn – I know last year when we had this we had a lot of parents speaking in favor of it. Are there any parents who have children in these trailers that could give me an opinion on it because I don't have children there? Not just from the professionals, I want to hear from the parents who have children in those trailers.

Becky Brennan – I am kind of in between. My daughter Nora is a third grader, she has been in one of the modular units all year. It has been quite satisfactory. Her class has been out there throughout that period. I also am currently serving as the president of the School Board so I am on both sides of it. But as a parent I am comfortable with the students being in the trailers in the modular units. The situation that you are talking about as you know we have to compress a little bit for this coming year is not ideal but if we talk about a long range plan this is our in between step to get to a much better long range plan with designing a facility for our future grades that will work much better having these spaces built in. It is going to be functional as our administration has talked through and our developer. It is not going to be perfect but it will be functional and I think the students will continue to succeed.

Mrs. Kuhn – one other question. Have there been any complaints from parents who have children in the modulars that the school has received any complaints from any parents regarding the situation.

Becky Brennan – we actually we recently have had some meetings with the board speaking to parents at the school to collect concerns and we have done so and we have talked to the administration about how to make any corrections.

Mrs. Kuhn – I was going to ask you what were the concerns of the parents that have children in the trailers.

Becky Brennan – as you know the restrooms are in there and we were made aware that the water wasn't being refilled as frequently as it needed to be and that has been corrected. We talked about that there was not much sound proofing. Kids reported through their parents that it was loud. Hadn't heard that until the last couple weeks and so we are talking about ways to put some funding towards improvements that can solve that for the students.

Mrs. Kuhn – Students that are in there these are young students so they aren't knowledgeable of what the conditions should be.

Becky Brennan - I am not sure that we have any complaints come through from teachers who are obviously in there also.

Mrs. Kuhn – I don't think the teachers would complain. But the thing of it is what I am saying is when you are saying the bathroom problems, why wouldn't that have been noticed by the teachers before the child had to take it home?

Becky Brennan – well right the staff dealt with that problem in a different way with escorting the students if they needed to into the building.

Mrs. Kuhn – wait a minute, wait a minute are you telling me that now the students had to be escorted from the trailers into the building into the bathroom?

Becky Brennan – not frequently. In the situation when that needed to happen I am just trying to assure you that the students were escorted.

Mrs. Kuhn – are there any other parents, I am not rejecting but you wear two hats. Any other parents who have had children in the trailers that could give us some input?

Peter Randazo - I have complaints on the trailers. One we were here last year as the cheerleader group to get these trailers from Council which you approved. As you remember everybody said one year and one year only, June 30th is your date. On let's see here, I have an e-mail that I sent on Tuesday, September 11th, 2012 to Dennis Minzner at Imagine Schools.com. This was after I went up and looked at the trailers with no covered walkways which when we were talking about the covered walkways in your booklet number 7, there shall be enclosed walkways from temporary trailers to the doorways. Walkways shall be fully enclosed three sides to the extent permitted by code. O.K. so as a parent I was told this was going to be done. So when I went up and looked at it, it wasn't done. I approached Miss Pergantz she said it was out of her hands; she was the principal last year. She told me to e-mail Dennis Minzner. This is the only e-mail I could find in my computer. Hello my name is Peter Randazo, my son attends Imagine School of Penn Hills. I was given your e-mail from the school. Last year along with many other parents attending a Council Meeting in favor of a temporary modular classroom. At this meeting the Borough Council had approved the

modulars for one year with some changes to your original plans. It has come to my attention that Imagine Schools did not follow the changes that Council had required and Imagine Schools had promised to do. All of the modulars were to have covered walkways to the main building by the start of the school which are not in place of today. School has been in since August 22nd. As I understand you have no intention of having them covered. I do not take lightly to be lied to so I am going to let you know what I am going to do. I will attend the next school board meeting wanting to know why this is not going to be done and I will be going to the next Borough Council Meeting letting them know that Imagine Schools have not decided to have them covered. I am not happy about this matter at all. I will also be talking to other parents asking them to attend the Council Meeting. I would like for you to call me tomorrow and let me know why this is not being done and why it is not going to be done. Peter Randazo with my phone number attached. Now my wife asked me not to come to Council because I was coming to the Council Meeting. The next day I got a phone call from Miss Pergantz stating that when the architects went up and there was a little pow wow up here with three people standing up here with Council that there were approved changes that we didn't need the covered walk ways. Also I have a question on the fire code. Do the fire alarms need to be wired in with the main building so if the main building catches fire that the children in the modulars know that the main building is on fire?

Carolyn Davis – currently there is no wire we have walkie talkies and we have a security guard.

Peter Randazo – is that code? Walkie Talkies? I mean I don't know. Are there sprinkler systems in the modulars? Is that code? The trailers need sprinkler systems.

Howard Davidson – the trailers have been determined to meet Code by the Code Enforcement. The specific question I can find out for you but I don't know right now. I can't answer that.

Mrs. Kuhn – If a child is in the main building it has a sprinkler system but the trailer doesn't have a sprinkler system.

Howard Davidson – I understand the question I don't know the answer. There is no sprinkler system in the trailer. If the sprinkler system is required they would not have been given occupancy permits.

Mrs. Kuhn – I realize that. That goes back to my first question I asked you Howard. There are two different things here. Code Enforcement for trailers is one thing. But Code Enforcement for trailers that are housing school children is there a different code there? Anybody who has a trailer on a construction site that is one type of code. I am talking about a trailer that is housing 23 – 24 – 25 children. I wanted to know what the code safety was for those?

Howard Davidson – I am giving you the general answer because I don't know the answers to the specific code questions, it is not my department, it is not my Ordinance.

Mrs. Kuhn – you don't know.

Howard Davidson – I gave that answer I don't know.

Mrs. Kuhn - one other thing. At the very onset of your statement you said that someone came up with three of the Council people and had a pow wow that never took place.

Peter Randazo – there was a lady here that came up they went up and they were showing some drawings or something and the reason why I am saying the other e-mails I don't have.

Mayor DeLuca – are you talking about the Council Meeting when we approved it?

Peter Randazo – yes, last year.

Manager Rayan – she was showing the door. The double door. Nothing about the code.

Peter Randazo – no it is not code and here is why I am saying this. I don't have the other e-mails. This e-mail was sent from my computer. The other ones I can't find. What happened after this e-mail was I got I don't remember the lady's name that was here that was the architect I believe it was the same group but there was another lady here from Lami Grubb. She sent me an e-mail because Miss Pergantz called me and then she put the architectural firm in contact with me via e-mail and basically what she told me was that the covered walkways couldn't be done because of a wind tunnel effect and that would be more dangerous and if you remember the whip at Kennywood how that came up and you know these are temporary structures they are only going to be here for one year and if we put up temporary structures or temporary roofs we are going to put the children in more danger or some people in more danger. Well the one thing I am in is in construction. I had asked to see the revised drawings which they would not give me. They did not send them to me. I had requested them. Yes you have temporary trailers that are moveable but if they were required to have covered walkways for safety also so kids won't wonder off, kids are quick, if you put them in a tunnel they can't get out. Well I do know if you drill 3 feet down and cement some 6 x 6 or 8 x 8 posts and put some tresses up and some shingles on them you can at least have covered walk ways. If you want to put sides on them then you can then you are not going to have the wind tunnel effect. Now you want to talk about temporary well you take a chain saw you cut them off dig them out whatever fill them back in then you put your grounds back to what they were as Council has said. But I was being told it couldn't be done. I know it can be done because otherwise no buildings would be built.

Mrs. Kuhn – are you saying that they didn't have the roof covered even?

Peter Randazo – no there is no roof. Is there a roof? From the main building to every trailer?

Mr. Dice – let us do it this way. This is being taken down by a stenographer and we can't really and I don't think she is really that good that she can go back and forth with people in the audience. If you are pretty much finished you haven't been over to see if there is or isn't a roof lately?

Peter Randazo - not lately but throughout the year when I have been there and I looked back there I have seen no roofs.

Mr. Dice – o.k.

Peter Randazo – unless they have magically appeared with a roof from the building as set forth by Council all the way from the temporary structures all the way to the main building from every temporary structure is what I believe this says here. Enclosed walkways from temporary trailers to the doorway. The walkway shall be fully enclosed, so if that the way it is, I am not sure, unless they put them up recently. I got my point across. I am not in favor of the trailers because no matter in my opinion they came here they told you what you wanted to hear they didn't do what you guys said to do now they are coming here and telling you they are going to do something again. I go off of people's track records. Their track record with me is not good. You can take that into your consideration. Thank you.

Mayor DeLuca – are there any other parents that have children in the modular that want to testify?

Kylie Marsh – my daughter is a second grader. In the beginning of the year she was in the Modular outside. In December her classroom had to come in doors due to behaviors of students because they were not listening outside. They had to move the students inside so Mr. Tracy the assistant principal could monitor their behaviors better. My concern only for next year is that her grade level could possibly be outside and the same thing could happen again next year. It didn't disrupt too much of her learning but it was a change in the middle of the year and we are all creature of habitat and that is something unusual for her to deal with. I am also a PCO Member and I attend a lot of the meetings and a lot of parents aren't sure about the trailers for next year it is not the best bet but they are supporting the school and sticking beside them as best as they can. We have a lot of changes since January and a lot of positive changes and I am hoping that they will continue so that our school can continue to grow. Thank you.

Mayor DeLuca – any other parents?

Jade – I have a son in third grade and a son in second grade. My one concern, there are a lot of concerns, but my concern for the trailers at this point is on the flip side of what she said my son has special needs and when her child's classroom came in my son's classroom came outside. One of his main behaviors is he bolts from the school

on a daily basis. There has been issues with water in the trailers to where the kids have had to come inside to use the bathroom, to get a drink of water that is a perfect opportunity for him to escape and run. He also runs under the trailers where no one can get to him which is also a safety issue. By him being outside and having direct access to outside is not good so I do have concerns with the special needs children being outside, however my other son he has thrived this year in the trailers but I am concerned with next year being that they are both in the older grades my younger son having to be in those trailers again and also they are planning to get rid of the resource room which is right now doubling as the special services room for these four other classrooms that are coming in. What is going to happen to these kids because there already is not enough room for them or to meet their needs at this point? So I am on the fence about the trailers because if we don't have them what is going to happen to our kids but if we keep them who is going to have to be out there and which child do you pick and choose? That is all I wanted to say.

Mrs. Kuhn – thank you.

Carly Campbell – I am secretary on the school board and I have a kindergartener who spent limited time in the modular units. He was out there for the micro society portion of his day only. What I can tell you is when the board was approached with the water issue we immediately took action and remedied that and put in on a three day refill schedule. I walked around the modular units with our maintenance team to ensure that the skirting was secure that we were adding skirting in the places that it needed to be added. To speak to some of the concerns on the resource room we feel very confident that the space that we have can be used effectively. This is very frustrating because as a part of a school board we are trying very hard to do the right thing for the school and we feel like we are moving in that direction. This is our opportunity to do that. I don't know what else I can tell you other than we are making the efforts that we need to make.

Mayor DeLuca – thank you.

Mr. Dice – anyone else? That is it. If you want to speak you have to get up and tell us.

Amy Lander – Good evening. I am the President of the PCO of Imagine. I just felt that I needed to say something. My son has been a student there since last year. He started in Kindergarten, he is in first grade. He has thrived in the school. He has not been in the trailer except for one day for second grader of the day. We have been through major changes in our school because of Dr. Davis and our school board and they are positive. We are like a family there. There are going to be some challenges absolutely. I personally can't speak on the trailer part because I am also torn on that subject but we have worked so hard to keep the school together and I feel that it is so important to move forward in a positive direction. We have to go with your decision of course and you would know what that is but I believe in the school and what they are asking for and hopefully moving in the right direction everything goes the way they want

it to. So I thought it was important to say that we appreciate your time and talking to us and letting us present the options.

Mayor DeLuca – thank you. Is there anyone else?

Carolyn Davis – I just want to say to the Council thank you on behalf of the school for allowing us to teach 80 new students and to provide quality education for them. On behalf of the school I would like for you to also take into account that we have approximately 80 more students that they deserve choice and they deserve quality. We provide that. Yes, we have struggles. No organization and no system that ever started from day one did not have a struggle. We are addressing our struggles. We are monitoring the water. The water has gone down low and we have made sure that there is water. And not just water in the bathrooms but also water to drink as well. We are monitoring the safety of our school as well in the trailers because we do have the students coming in and out, back and forth when they come for their specials and when they come for their lunch. We are adding more cameras to our campus as well as another security guard. Just to secure the safety of our students as they come in and out. I have been in the trailer, I was in the trailer today and the fire alarm accidentally went off. I could hear it and I was in the far end of the trailer. So we needed you to know yes we are looking at the safety issues, we are addressing the fire issue in terms of making sure that every child can get out of that building under two minutes. And then also to let you know that we at Imagine Penn Hills are making every effort to provide quality and we will make the adjustments as the parent talked about her child looking to see what students should be able to be there and be safe and be o.k. and not bolt as we look at certain kids that may not fit the trailer. We are addressing those issues. We have struggles and we will continue to make strides to do the best we can for our students at Imagine Penn Hills.

Mrs. Kuhn – I just want to say one thing. Speaking just for myself as I am sure Council also no one is questioning the education that Imagine is giving to the students. That is not a question for us to determine. That is up to the parents to determine and as far as I know it is a family related school. The children that came last year were very very well educated. You have to understand that is not the issue. The issue is the trailers and the children that are inside the trailers. That is the only issue we have to address. We are not saying that the school isn't a good school and that it isn't giving good education to the students that are there. But as Mayor & Council our responsibility is to make sure that those students that are there are 100% not only in a safe environment but are all treated equally as the ones that are in the building. Because of the fact you are stating that the one class was disrupted so they had to be moved in and they were moved into the building and someone else was moved out to the trailer. You have to understand if something God forbid would happen to those trailers and those children that would fall on the shoulders of this Mayor & Council because we permitted it. So we have to make sure that every (i) is dotted and every (t) is crossed because of the fact people come and go, teachers can get other jobs and what have you but it would be our responsibility because we are the ones who are permitting those trailers to be there. We have to make sure that those children are not only safe but that all those

children are getting the exact same attention as the ones that are in the main building. This is really truthfully temporary. When this came to us you weren't here. When it came to us last year it was temporary for one year and that is what a trailer is it is temporary. So that is why we are not being anything negative on the school or its teachings what we are concerned about is the placement of where these children are.

Carolyn Davis – we agree and we feel the exact same way. Safety first. Thank you.

Mr. Underwood – I do have a question. You are only addressing these problems now. O.K. it has been stated through the audience. I am going to pick on the water issue. Excuse me school started when? Your only comments were we are taking care of the water problem now. What happened the entire school year? I am sure there are more problems that haven't been addressed since day one or even talked to the builder of the trailer or when the water was installed. You are only doing it now. The poor children suffered through that or had to be moved into the other building or what not. That is poor management. That is a poor school.

Carolyn Davis – well on behalf of the school I need to let you know that we have addressed it, it has not come up until recently. When the water was low we did manage and make sure that it was taken care of. I was not here in September so I can't speak as to what happened day 1. I can speak to what happened January 7 as I was made aware. So that I made sure that there was water and the water is regularly placed on a regular basis not only in the bathroom but the drinking water in the modular units as well.

Mr. Underwood – somebody was sharking their duties all along before you got there o.k. according to what you just said. Thank you very much.

Carolyn Davis – you are welcome.

Mr. Dice – Alan, do you want to say something?

Mr. Shuckrow – Just for purposes of the record we have referred to a number of different things tonight and I just would like to read in some things that would be in the record and what the exhibit number for them just so we would have them.

Mr. Dice – go ahead.

Mr. Shuckrow – the application I filed would be Exhibit 1 and I can hand these to you Mr. Dice at the end, the agreement of sale would be Exhibit 2, the photograph that Mr. Scherer showed would be Exhibits 3A and 3B of 1700 Universal Road. I had a packet of photographs of the modular units which I mentioned earlier which I can hand up that show both inside and outside the units and those would be Exhibit 4. These documents are in your packet tonight, April 15, 2013 staff memorandum from the Planning Department to the Planning Commission and we would like that to be Exhibit 5

and then the June 10, 2013 memo from Mr. Davidson to Mayor & Council reporting on the Planning Commission's activities would be Exhibit 6. We would like all of those in the record.

Mr. Dice – o.k. all of those will be admitted. I just want to make sure that you coordinate with the court reporter that she gets all of those.

Mr. Schuckrow – will do and I have exhibit stickers and I can hand those out.
And in closing

Mr. Dice – well just so you know before you close I have had a brief discussion with the Mayor, I have not talked to Mrs. Kuhn but she voiced some concerns about the fire officials and the fire codes, rather than close the testimony tonight my suggestion would be that you bring back this project next month and have the fire officials here to try and answer any questions you might have concerning the fire codes as they pertain to trailers at this location. Following that testimony we will close the record. When the record is closed you have 45 days from the date you close that record to render a decision to the applicant communicated to him. So just so you hear what my suggestion would be tonight not to close the hearing rather leave the testimony open and proceed to request that the fire officials be here next month, the appropriate fire officials, or if you choose to do it earlier than that we can certainly contact Mr. Shuckrow and arrange a continued hearing. At any event at that time once all that testimony is in and your codes are also part of the record then you would proceed to close the record and then you have 45 days to make a decision.

Mr. Dice – if that is Council's wishes then a motion is in order to do just that.

Dr. Kincaid – Are you asking for a motion for continuance?

Mr. Dice – continuance and leave the testimony open.

Dr. Kincaid – and we would have to vote on that motion and if it fails then what?

Mr. Dice – then you would proceed to close the testimony tonight and then you would have 45 days to make your decision.

Dr. Kincaid – I think if that motion fails and then we vote on the motion before us that will be what will stand. Whether it passes or fails parliamentary.

Mr. Dice – you can do it that way too.

Dr. Kincaid – I just want to be comfortable what we are doing here because there is a lot of discomfort in this room as you know. I want to make sure that I understood according to the rules of what we are doing based on your suggestion, I am comfortable.

Mayor DeLuca – is everyone comfortable?

Mrs. Kuhn – what we do then Bruce we are not closing the hearing but we have to make a decision then within 45 days.

Mr. Dice – no the 45 days begins from the date you close the testimony.

Mrs. Kuhn – oh o.k.

Mr. Shuckrow – and I agree with what Mr. Dice has said legally in terms of the procedures and I also think it would not be a bad idea to add some additional information with regard to the fire issue. We may have our architect as well. It might be a good idea to get everybody's heads together on this because had I known that that issue was going to come up tonight I would have had our architect here but with regard to the 45 days that is totally what the law says, I would just ask everybody to keep in mind that we do have a school year coming up and so we need to know which kids we are going to be a loud to have and if we can't have the trailers we are obviously not going to be able to have as many students there so we are going to have to figure out whether that is the 3rd or 4th grade, the kindergarten or whatever that is going to be. So just in terms of that that would be all and I appreciate your time and your consideration this evening.

Mayor DeLuca – do you want to make the motion.

Dr. Kincaid – yes I would be happy to Mr. Mayor. I would move for continuance of this particular matter 2013-038 with the stipulations that the Council had suggested and that would be my motion.

Mayor DeLuca – second?

Mr. Palumbo seconded the motion.

Mayor DeLuca – second has been made now can we do the voice vote.
All in favor say I.

Mayor DeLuca – this hearing will be continued.

Mayor DeLuca – there will be a 5 minutes recess.

Mayor DeLuca – we will call this meeting back to order. Do I have a motion for Resolution # 2013-039?

Mr. Underwood made a motion to approve **Resolution No. 2013-039** awarding a Contract to Excavation Contracting by Eremic, Inc., DBA Eveready Contracting for the Demolition of five structures as part of the Penn Hills 2013 Demolition Package Number 5.

Dr. Kincaid seconded the motion.

Gary Henderson – 7837 Thon Drive. I don't know how soon it is going to come down but I have raccoons that are fighting like crazy, they are crying at night, it is so annoying. The grass is extremely high and it looks terrible. I took a cycle to the grass.

Howard Davidson – the area that is disturbed by the contractor when he demolishes the structure the contractor places dirt, grass seed and straw. Then they let the property go back to natural conditions. We are not going to come and mow the lawn once a week.

Gary Henderson – I thought you had something that could kill that?

Howard Davidson – it is going to go to woodland.

Gary Henderson – what about the raccoons?

Howard Davidson – there is nothing for the raccoons, there is no harbor for them there, there is nothing for them to eat so the raccoons are going to go somewhere else.

Gary Henderson – they are in the house now.

Howard Davidson – that might be an animal control issue to capture them. If the raccoons are in the house now they are going to lose their habitat.

Gary Henderson – I understand that but right now I am losing sleep and I don't know how many other neighbors are complaining. About three in the morning they are crying, screaming.

Howard Davidson – I imagine the demolition company is just going to set the raccoons free or kick them out of the house or whatever he has to do.

Gary Henderson – well is that going to happen soon?

Howard Davidson – there is going to be a lot of noise made.

Gary Henderson – you are not listening to what I am saying.

Mrs. Kuhn – he wants to know how soon the demolition is going to take place.

Mayor DeLuca – what is the time frame?

Howard Davidson – the contractor takes a week to ten days to give us the paper work. Then we give him the green light, and then he has 90 days to bring the house down.

It should take him a day and ½ to bring the house down.

Gary Henderson – now one other thing. There is a, I paid \$200.00 a couple of years ago to get one branch cut off because it was on my property. He got a big Toby Tree.

Howard Davidson – we are not going to cut any trees on the property.

Gary Henderson – who is responsible for that.

Howard Davidson – the person who owns the property. You can cut any part of any branch that is on your property line.

Gary Henderson – now it is getting so tall and I am sure the roots are coming over to my yard and into my foundation.

Howard Davidson – what is your question?

Gary Henderson – I was hoping that you would be lenient enough to say well that will go too.

Howard Davidson – is the tree in the way or disturbing the contractor in any way from performing their duties.

Gary Henderson – could be.

Howard Davidson – I can't promise you the contractor will cut any trees.

Gary Henderson – o.k. 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. 2013-040** awarding a contract to Massarelli Excavating, LLC., for the demolition of five structures as part of The Penn Hills 2013 Demolition Package Number 5.

Mr. Underwood seconded the motion.

Mickey O'Connor – 1095 Maple Avenue – Good Evening – 161 Lynwood Howard is that the pool?

Howard Davidson – yes.

Mickey O'Connor – is there anybody there to recover the \$11,000 that it is going to cost to tear it down?

Howard Davidson – there will be a lien on that property for that amount. Hopefully somebody will want to use that property someday.

Mickey O'Connor – Imagine School.

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

REPORTS

Mrs. Kuhn – I just wanted to know Moe and this might already be done but I was looking through the magazine that was sent out with the Penn Hills mail and it has some really good information on it and the one section because I get a lot of phone calls from residents making concerns about these and it was about residents are not permitted to accumulate junk and debris in their yards, recreational vehicles, campers and boats are not permitted. It gave all the list of all the things like what you need a building permit for and above ground pools and junk cars and things like that. I don't know do we have that on the web-site, something like that because I think I t would address a lot of questions that residents have and I don't know how many receive this magazine and I just thought it would be helpful because I know I get a lot of calls pertaining to these questions.

Manager Rayan – well the magazine itself of course I believe it is on the web-site. We can reference that on our web-site all of the items that you mentioned Mrs. Kuhn are within our Codified Ordinances and they are all on the web-site. We are starting to do the articles with In Penn Hills Magazine on a quarterly basis so perhaps it would be a good idea to add a link on our web-site.

Mrs. Kuhn – I know that they are already listed but sometimes you don't even know where to go and it can be time consuming. I thought if we could have something like a little FYI. Just some little tips for people that are out in their yards so they know exactly what is a loud and what is not a loud in Penn Hills. And another thing Moe is I know that you and I have had an ongoing situation on Mill Street and I know it was a very difficult situation for both of us and I just want you to know I mean I am not happy with Oakmont Water Authority and the way that they handled it and Moe I appreciate all the time that you put into it and the resident did call me and asked me to personally thank you and Gerry Nosal for all the work that you did with the fire hydrant. So I do appreciate it and I know Moe there were numerous calls on your part and I do appreciate it because the resident as you know her husband was a police officer in Penn Hills for many years and he also worked as a volunteer with the trains for many years and she lost him and then she had a stroke too and it put her in a situation that was really not necessary but I appreciate everything you did and she wanted me to let you know that she did also. So thank you very much.

Manager Rayan – not a problem. You are welcome.

Dr. Kincaid – just wanted to commend John Scaglione for doing another great job on the Memorial Day Parade Celebration that took place last Monday I guess it would have been. Many positive comments and compliments as well. That is all.

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 9:16 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY