

DECEMBER 22, 2014 COUNCIL MEETING MINUTES

The December 22, 2014 Council Meeting was called to order at 8:27 P.M. in the 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
Dr. Kincaid
Mayor DeLuca
Mr. Underwood
Mr. Palumbo

Also present were Manager Rayan, Secretary Sorce, Planning Director Davidson, Engineer Minsterman, Solicitor Alexander, Officer Lynch, WPCD Fagan and Finance Director Schrecengost.

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve the November 17, 2014 Council Meeting Minutes.

Dr. Kincaid 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 December 22, 2014 and December 1, 2014.

December 22, 2014 – Journal Vouchers are 12 - \$4,156,620.81, C.D. Requisitions – 19, \$25,887.60, Master 29577 – 29846 - \$1,689,331.07, Grand Total of \$5,871,839.48.

December 1, 2014 – Journal Vouchers – 0 - \$0.00, C.D. Requisitions – 0 - \$0.00 Master 29472-29576 - \$640,192.12 – Grand Total \$640,192.12.

Mr. Underwood seconded the motion.

Mrs. Kuhn abstained from Check # 29774 Don Kuhn Auto Body for \$600.00 yes to all others.

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

RESOLUTIONS

Mr. Underwood made a motion to approve **Resolution No. 2014-072** approving The 2015 through 2018 Labor Agreement between The Municipality of Penn Hills and The Police Advisory Board and authorizing The Proper Municipal Officials to execute same.

Dr. Kincaid seconded the motion.

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

Mr. Underwood made a motion to approve **Resolution No. 2014-073** approving Transfer of a Liquor License No. R-2085 into The Municipality of Penn Hills from 2919 South Park Road, Bethel Park, PA to 4616 Allegheny River Blvd., Penn Hills, PA.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I just wanted to say, this is going to be an Italian Restaurant and it will be selling liquor if we approve this correct? And even if we approve this they still have to get approval from the Liquor Control Board, am I correct? Now it has here that to be resolved that no adversely affects the welfare, health, peace and morals of the Municipality or its residents being that there was a restaurant with alcohol there prior several times I don't see that there should be any effect that would be negative on the Municipality.

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

Mr. Palumbo made a motion to approve **Resolution 2014-074** awarding a Contract to Custom Door System, Inc, for The Senior Center Home Delivered Meals Door Replacement Project in the Total Amount of \$3,600.00.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I just notice for this Resolution and the next one coming up Moe we sent out five different proposals and only received one proposal and is there any reason that you would be aware of because I know I see the advertisements and that were made and it just seems strange that we are only getting one bid for these items.

Moe Rayan – nothing out of the ordinary that we can think of Mrs. Kuhn one of the doors it just has at the Municipal Building here it is a regular type door of course

some of these are HUD Projects it involves and a lot people don't want to bother with that.

Mrs. Kuhn – o.k. thank you.

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

Dr. Kincaid made a motion to approve **Resolution 2014-075** awarding a Contract to Custom Door Systems, Inc. for the Municipal Building Council Chambers Exterior Door Replacement Project in the Total Amount of \$4,500.00.

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. 2014-076** approving The 2012 through 2017 Labor Agreement between The Municipality of Penn Hills and Municipal Employees Organization representing Water Pollution Control Employees and authorizing The Proper Municipal officials to execute same.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – I just want to tell the Manager what a good job on getting this resolved. I know that that was a long time coming so I am glad to see that the Municipality employees are satisfied at what you and Council represented to them. So job well done Moe.

Moe Rayan – 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. 2014-077** amending The Five Year Consolidated Plan and Community Development Budget Years 39 and 40.

Mr. Palumbo seconded the motion.

Mrs. Kuhn – I was going to give a report on sidewalks at the end but being that this has come up Moe I do appreciate the report that you had sent to me on the sidewalks and my questions would be Moe exactly because if I am looking at the report that you have given me we have if I am looking at Year 38 is that right those sidewalks are completed am I correct?

Moe Rayan – Mrs. Kuhn I apologize I don't have a copy of the report that I gave to you.

Mrs. Kuhn – I will go over it with you Moe then. The Year of 38 that would be Milltown, Mt. Carmel, Leechburg, Universal Road and Frankstown Road and it says those ones have been completed and then we have if we are looking at Year 39 that would be Frankstown and these are funded for Frankstown West, Rodi Road. Ed you can correct me if I am wrong on what I am saying here but I am assuming that that is funded for Frankstown West to Swanson's to Clinton and Rodi Road – Mr. Donut Mockingbird Plaza. And then if I am looking at the Year 40 is this the wish list of Jefferson Road connection to Senior Center – Penn Hills Garden Center sidewalks to school – Stotler Road and that is a possible state grant and then the Frankstown Road – Rodi Road the missing links is more likely a CD Project.

Moe Rayan – that is correct Mrs. Kuhn

Mrs. Kuhn – I want to ask you about the funding. Because when I had looked at this before my recollection of it was that there is \$90,000.00 for one year that was in the budget that we have not utilized and then there was \$90,000.00 a second year and now \$90,000.00 for 2015. Now the first \$90,000.00 I believe like \$38,000.00 was used out of that and there was a remaining amount of \$32,000.00. So what my question is Moe exactly how much money do we have actually budgeted already in previous budgets and in the new budget for the sidewalks? If I am not mistaken I believe the figure was around \$220,000.00 that was budgeted.

Moe Rayan – Howard do you have the exact figure on that.

Howard Davidson – I don't have the exact numbers but I can have the general answers to your questions Sara. All of the money that has been spent on Frankstown Sidewalks and Rodi Road Sidewalks is design money at this point. We have not started construction yet.

Mrs. Kuhn – o.k. Howard I realize that was the engineering fees. I found my paper.

Howard Davidson – the intent of this Resolution is simply to add more money to the same sidewalk account to go further East or go further West on Frankstown Road in that vicinity and perhaps to do Jefferson Road between the Senior Center and the

Mrs. Kuhn – not to interrupt you Howard but what I was looking at is on here it has 04 462 386313 and the budget was \$63,519.49 and what has been spent was \$31,242.58 leaving a balance of \$32,276.91. Then if you look at 04 462 396131 there is \$90,000.00 and the amount spent was \$218.29 leaving a balance of \$89,781.17 and then we have the \$90,000.00 on 462 406313 and none of that has been spent. So if look at these figures that have been given to me it appears that \$212,058.62 has not been spent and that \$31,460.87 was spent on Engineering. That is what I am asking. I am asking what is this \$212,058.62 that I see in the figures that Moe gave me?

Howard Davidson – I don't know what Moe gave you and I don't have the exact numbers in front of me. I can't answer your question.

Mrs. Kuhn – Even if you don't have the exact numbers I mean it was \$90,000, \$90,000 and \$90,000 am I correct?

Howard Davidson – the only active projects right now are Frankstown and Rodi.

Mrs. Kuhn – so is that going to come out of this \$212,058.62 that is remaining.

Howard Davidson – yes all three accounts are going to be lumped together for those two projects and we are spending a lot of money on engineering. There is no doubt about that.

Mrs. Kuhn – so are you telling me that the money that is in here for the last three years all of that total is going to be spent on the Frankstown Road and Rodi Road. So it would be \$270,000.00 is going to be spent just on those two projects.

Howard Davidson – well again we haven't taken any bids on any yet all we have done is design work and for sidewalks we have to do very detailed surveys all the way down to exact location of telephone poles and shut off valves for utilities and Richard could speak for that matter but we have done a lot of engineering and we have expensive sidewalks no doubt but I can get you the exact numbers of what we spent.

Mayor DeLuca – also part of the fees and why it is so expensive because they are on State Roads and they are making us jump through hoops to put these sidewalks in.

Howard Davidson – we have storm sewer issues, we have State Road issues we are even going to have in some spots small retaining wall issues and we have yet to determine where we might have to actually give up a section of sidewalk and move on to the other side of the road because it is extremely expensive. We are working on all that is all I can say. Rodi Road piece is easy. Rodi Road is ready to go all we need is a temporary right away sign from the owner down there.

Mrs. Kuhn – o.k. so what I am asking then is the first part of the ones that I have said they were completed but they were completed a while ago. I know Milltown was completed years ago.

Howard Davidson – that is an old project. A long time.

Mrs. Kuhn – and now we have proposed currently funded – Frankstown West and Rodi Road so when you are saying currently funded is that the amount that

Howard Davidson – I am saying currently funded because we promised the people well we funded a sidewalk project for Frankstown West . We told people at neighborhood meetings and

Mrs. Kuhn – Howard I am not questioning where you are putting the sidewalks I am questioning

Howard Davidson – I am just saying our intent was never to be able to be in the position to be able to do all the sidewalks out there.

Mrs. Kuhn – naturally, I mean we can't do all the roads that we would like to do either but what I am asking is is Frankstown West and Rodi Road will absorb the \$212,000.00 that is remained that we already have funded. That is what I am asking.

Howard Davidson – well the only answer we don't know until we get some bids. I am hoping we have some left over so we can go do Jefferson.

Moe Rayan – the bids are not in if I understand you Mrs. Kuhn you are questioning if the \$200,000 will be enough to do all of these projects that we are proposing and/or just of it at this point we have all the engineering work like Howard mentioned for Frankstown West and Rodi Road depending how much the bids will come in to do these two projects and that would give us a better idea as to whether that \$200,000 would be enough to go further with that or not. We are hoping that it will.

Mrs. Kuhn – Moe not to interrupt you but not knowing makes it difficult to see if we are going to have anything to do a small project like the one from the Senior Center I mean anywhere and that was just what I was wondering is are we stating then Rick that all the engineering for this work has already been completed and paid for?

Rick Minsterman – no it is not. It is not complete. It is enough that we can get submittal to the State Transportation so we will see. We expect that they are not going to be happy with the work that is not there and we try to make it the least amount of detail that we think that they would accept. As Howard mentioned the survey work if you picture you have to connect with the survey as you are putting a flat sidewalk in where there use to be a slope driveway every driveway has to be tied into the sidewalk which now means you are surveying back up the driveway to see what the new slope of the driveway will be so there is so many details and so we are making this submittal to the State hopefully that they will accept the way that the plans are ready to go if they don't they are going to ask for more details or more work. That is on the detail side on the bigger picture side they still haven't given us an answer on whether or not they are going to allow the sidewalks to go all the way to the curb or if they are going to want some space between the curb and the sidewalk whether these are three, four or five foot wide sidewalks. All of those details are going affect the design. These are not the full detail that they are asking for, so there will be additional cost. The next question you will be asking will what will it be? I don't know. We have a meeting planned.

Mrs. Kuhn – Not to interrupt Rick they don't give you what these specifications are before we even start the Engineering?

Rick – they do but they are too strict. We would never be able to afford them so we like to get the specifications lowered or changed or allow for exceptions when we have a steep slope and couldn't build a wall to put a five foot sidewalk so we want to get it downsized to a three foot sidewalk or can we jump to the other side of the street to avoid more difficult expensive location.

Ms. Kuhn – if we jump to the other side of the street we are defeating the purpose because then you are going to have a sidewalk on this side so far then the person is going to have to go across the street to go on that sidewalk and then go across to go further to another part. Is that correct?

Rick - yes

Mrs. Kuhn – that doesn't seem like a very good design.

Rick – you try to minimize it but sometimes there are hurdles that you just can't get across. For example even like public property, someone owns the property and or even if you do a taking of the property that can be resolved but sometimes the physical aspects and characteristics of the sight make it not impossible cause any amount of money can get you something.

Mrs. Kuhn – I realize that but should we then be looking at the severity of the section because of the fact like you said you could put a sidewalk in anywhere if you have enough money but to utilize all the money just for a certain section when you are saying you have to put retaining walls and all this and what have you I don't think that is what the sidewalk money was for so I think that in the future we need to look at the site and make sure that it is feasible to put it in and that we are not going to be spending an absorbent amount of money on a small section sidewalk where maybe we could do two or three sections somewhere else for the same amount of money that is what my concern is.

Rick – that is a great point. The idea though is you can't really see it. A lot of times you can't look at it and say that is not going to work or it is going to work.

Mrs. Kuhn – if you are putting a retaining wall in I think if I ride by I would be able to see.

Rick – yes of course and what I am getting at is if we could put it in the way we would want to you wouldn't need a wall but if Penn Dot says no I want two foot of space and a five foot sidewalk then that deal is shot. I think that the way we are preceding is getting all the details to make the submittal to talk to Penn Dot and try to convince them

on what we can build the least expensive way. If we lose on a couple of areas then we are going to come back and say if these sections are too expensive maybe we hold off and maybe we wait for different funding and so that we are not at that stage yet so after the meeting with Penn Dot.

Mrs. Kuhn – the only thing of it is when we get to that stage if that would be the case then all the thousands of dollars that we spent on engineering has gone by the way side.

Rick Minsterman – you could still build the sidewalks. It may just take a different phasing approach. If it comes down to yes it is more expensive but it is a really key section of sidewalk you have that design and it wouldn't change. So the way we are looking at it you are looking at locations that have needs for sidewalk it is just how much do you want to spend for each section of sidewalk. So at some point soon we can give that to you you can make the selection on which sections are worth spending more or less in construction.

Mrs. Kuhn – and that you hit it right on the nail. That is what I am looking for is before we put in tens of thousands of dollars on engineering fees I don't want to use all the sidewalk not to rude but I don't want to use all my sidewalk money on engineering fees. So I would assume that with your expertise not that it would be that but it would at least be in the ballpark figure that you could say to us well to do this knowing what it requires from Penn Dot you are looking at a very high cost for a small section.

Howard Davidson - you are asking very good questions Sara. We are all with you it is just we need this Penn Dot meeting and we are close if you just give us another month we will have better answers for you. I have been pressuring Gateway I am a little impatient it has been a long time.

Mrs. Kuhn – you will have to have a good report for me.

Howard Davidson – moving over to the other side of the street is just one question another serious question might be just that are we going to back off of this project and build a sidewalk somewhere else. We are not there yet.

Mrs. Kuhn – I know that is what I am concerned is if that this is the decision we make then we spent \$40,000 or more on engineering fee on a project we are not going to have the funding to complete.

Howard Davidson – I think you will find that give you a little preview that it is a great place for a sidewalk out there.

Mrs. Kuhn – well everywhere is. I mean I go every day from Hamil to Foltz Drive and where the little kids have to walk on the street is about they have about two to three feet off the roadway for them to be able to walk there so every place in Penn Hills is in

need of sidewalks. That is why I am saying I would like to get the best bang for my buck.

Howard Davidson – well you find sometimes it is expensive the sidewalk between the Senior Center and the Garden is not going to be a cheap sidewalk either. It is going to be a tough one.

Mayor DeLuca – let me ask you this Rick on the roads in Penn Hills is that a little easier to put a sidewalk in so we don't have to jump through hoops for the State.

Rick Minsterman – right it is based off of your standards. Yes so those can be changed to fit needs to make it more cost effective. But the State they are pretty tough.

Mrs. Kuhn – thank you Mayor.

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

Mr. Underwood made a motion to approve **Resolution 2014-078** approving a Sewage Module for Plan Revision and New Land Development for 12818 Frankstown Road, Penn Hills, PA.

Mr. Palumbo seconded the motion.

Moe Rayan – just to bring to your attention this particular property 12818 is the Old Public Works Garage Site.

Howard Davidson – another comment on that. Just to prepare Council for future it use to be developments this size generating very small amounts of sewage did not require this Resolution and now the DEP is evidently insisting on this Resolution. So you are going to see this more often for small scale projects that were the amount of sewage they are generating is insignificant as far as we are concerned but you will be seeing this Resolution more often on your Agenda.

Moe Rayan – it is part of the Consent Order that ALCOSAN dealing with of course that we have with the DEP now ALCOSAN they have their own Consent Order and Agreement with DEP so they are trying to be accountable for every drop of water and sewage that goes into their plant.

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

Mrs. Kuhn made a motion to approve **Resolution 2014-079** authorizing Fedele Insurance Services, Inc. to bind The Municipality's 2015 Insurance Coverage.

Dr. Kincaid seconded the motion.

Chris Fedele – We put the program out to formal bid this year. The Resolution and recommendation is to remain with the carrier that we are with. The challenge in PA is keeping the Volunteer Fireman covered. I think this is the only carrier left in the State that is still writing the Volunteer Firemen on the main policy. (audio trouble).

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

REPORTS

Mrs. Kuhn – first of all when I was going over the budget I asked the Manager to give me an exact amount of what some of our attorney fees and engineering fees were and I again Moe thank you for giving me this and I thank my Finance Director for giving it to me on such short notice and I don't have all the figures compiled for the engineering but I do see that our attorney fees I have to say have been very very positive for the Municipality. They have been in a range of 2012 - \$82,000, 2013 - \$80,000 and 2014 - \$84,000 so I mean the variation is very very small in what we have there and anyone who knows the history of the Municipality our attorney fees were just outrageous so I thank Craig because of the fact that he is the representative of Dice and Associates for the Municipality that he has kept his fee so reasonable and it has been very very helpful to the Municipality and the outside attorney fees they were very good for 2013 and 2014 unfortunately 2012 they were seriously high. But there is nothing we can do about that because when you get so many litigations they have to be taken care of but I did want to thank Craig for a job well done. The other thing and this is a very touchy subject for me. I am going to speak on Code Enforcement. First of all I have to thank the Manager because I have been taking up a great deal of his time regarding this Code Enforcement situation and my first meeting with the Manager and with Mr. McCafferty was very productive. I think that we are moving in the right direction there because I have presented some things that I thought needed done in that particular Department and Mr. McCafferty was very acceptable to what I was asking and said that he was going to implement several things that were lacking at this point in time. Now I did talk to the Manager again and I did explain to him I do not go by theory because theories are very good if you write them down and get things out of the book but reality is more important than theory and I know that it stated that our Municipality the size that we are if we have 3.1 or 3.2 I don't know how we are going to get a third of a person but that is what we are supposedly to have and that is theory and I told Moe that I don't go by theory because of the fact every Community is different in their need and what has to be taken care. So I explained it to Moe and told him that what the amount of Code Enforcement Officers that we have are not acceptable for the needs that are in the Municipality. So Moe had assured me and correct me if I am wrong Moe that when we start out here we are going to have four Code Enforcement Officers plus the Fire Marshall/Code Enforcement Officer, am I correct?

Moe Rayan – that is correct. The four individuals were in the budget they have been in the budget for years at least for the last sixteen years that I have been an employee of the Municipality. Mrs. Kuhn nothing has changed there. As everybody

knows the problem that we are having of course we are short two and now Roseanne is retiring. The way Chuck is coming in he has been pretty pro-active, I wish Mickey was here but I did talk to him briefly before he left. Pro-active is the name of the game we all know that sometimes we are pretty busy when I mention I can't remember who I talked to and mentioned that the Code Enforcement Department is busy yes they are busy because they go from small items to large items so therefore they are pretty busy same thing with our Police Department from a cat up in the tree to a murder so things now a day a little different from what they use to be. People are calling and complaining about everything but that is a job that we all are here for to address our citizens. If we are in full compliment and I feel confident with full complement of four inspectors, Code Enforcement officers and having Chuck Miller is the Code Enforcement and the Fire Marshall along with the Department Director we will be more adequate to handle all the complaints that we have here Mrs. Kuhn and I am also addressing the public as well. I am not saying that anyone is not aware of when you have four inspectors driving around all day and taking notes and handing each other complaints things will work a lot better for the simple fact just what we have since Chuck started he is driving the entire town writing up citations I mean I can name hundreds of them where hundreds of them were addressed as well so it a matter of settling what we have we got a hurdle that we have to get over and we are hoping that we can see the conclusion to this matter at this point. Of course some details are going on right now, I know Irene you mentioned something about the Federal Case in September of 2015 that is however if it is not settled before then the reports were given to Mayor and Council relative to that. There is a conference coming up on the 7th hoping that we can reach some resolution into that so things are moving. Maybe not moving to the pace that some people would like it however I would like to say that our hands are tied but it is what it is we are trying to do the best that we can with the resources that we have at this point. If we have a full compliment I agree with everybody I live here just like you, I pay taxes here so you are not doing anything different than what we do here from all of us standpoint so we want our town to look good, we want the value of our homes to be at the top so we are not ignoring you we are not hearing you we hear you loud and clear so that is where it is at. Hopefully someday we can get the full compliment in place.

Mrs. Kuhn – but Moe I thought when we had our meeting that we were going to have the four with not worrying about the two that are in, a full complement of four is not a full compliment if we have two who are not working. So are we going to in 2015 still only have the two plus the Fire Marshall/Code Enforcement Officer until this situation is resolved because that is not what I understood?

Moe Rayan – well Mrs. Kuhn we have that issue in hand right now. If that is resolved on the 7th then we can move forward and get all four inspectors in place. Also we did advertise and we only got three applications and out of the three none of these applicants were qualified for the job. That is one thing that we are having problems with as well. If the issue is resolved in the near future in the next one or two weeks and then we are going to have to ret rack our thinking relative to the qualifications and so on to be able to get some people in place.

Mrs. Kuhn – right and I realize now that we are asking for them to be certified and I know that is difficult because of the fact everyone isn't certified.

Mayor DeLuca – just to interrupt they have to be certified because we passed the Uniform.

Mrs. Kuhn – right, and I realize which is a good thing because of the fact we do want them certified but I don't think that we can go until September or what have you with no Code Enforcement. This has just been too long and too drawn out. If say they would win we have the money to pay them is this correct?

Moe Rayan – it is an insurance matter at this point Mrs. Kuhn.

Mrs. Kuhn – so we don't actually have it in our budget it would be the insurance would have to pay it.

Moe Rayan – however we do have the salaries because we have the same four that we have been carrying over since 2012.

Mrs. Kuhn – yes that is what I mean we have the salaries.

Moe Rayan – yes the salaries for the four individuals is budgeted for 2015. Yes.

Mrs. Kuhn – and the reason I am so concerned is naturally because of my residence and like you say I am a resident the same way. But this situation on Torrens as I told you is just unacceptable for the Municipality and the reason I say that is because of the fact I have been working on that situation on Torrens for over 3-4 years. I have gone up to the Magistrate's hearing with the people supporting them. This gentleman who owns these row houses is horrible absolutely completely horrible because of the conditions because as Joyce has stated I personally was in the houses where you can see out and the plumbing was what it was and what is upsetting to me is I tell everybody when I am defending my Code Enforcement and believe me I am defending them because of the fact they are short handed and it is very difficult for us and very aggravating that the courts let two people hold a Municipality of 42,000 under the gun but I know that there is no way that we can possibly check every house for occupancy permits and every apartment. But in this case Moe Code Enforcement was well aware of this problem on Torrens because of the fact I myself had brought it up to them and it was very upsetting for me to have to see on the Media that there are townhouses in the Municipality of Penn Hills that had to be condemned and people had to be taken out and had no place to live when the Municipality was aware of this owner and the conditions it was so I would want to have a Code Enforcement Officer whose job was basically handling somehow the occupancy permits and the situations like this because of the fact it was very upsetting, I mean the Press is not and I apologize but the Press is not always friendly to the Municipality of Penn Hills for whatever reason and for

that to be all over the Media was very very upsetting to me and like I said especially because of the fact we were aware of it so we need to do something and we cannot just keep going year after year after year without some result, we have to get some result here somehow or some way we have to get it resolved because even if it doesn't go I am hoping that it is settled but if it is not we can't just say well it is not settled and we are going to have another year of this. We have just held on to long Moe so we have to find some way, somehow so what I was wondering is if and when the Court settles this situation we can reopen the Budget to hire an extra because if we have been able to put these salaries aside for two years then there should be some way that we can have some type of additional help in there even if you could get help and it not have to be certified that it would just be someone who is doing like a secretarial part where they are getting the information on the occupancy permits and they can have some type of follow up and that and they don't have to be out on the street if we could get someone who would be like a secretarial part so that they would be able to say hey this person filed for this and hasn't come in and what have you. I don't know if that is a possibility but I wondering and because I will be done here and the other thing was when I read the report that you gave me it does say that there is time elements that under our Ordinances and that that if they are found to be dangerous to life and if there is a safe guard for protection from fire or damage, decay, etc. they have to come in within ten days our Ordinance says to file for a permit. I know that you gave me the information that this owner did come in and he filed for ten permits and then he never came back but then further down on the Ordinances it shows that once they receive the permit if they do not come back and if they do not rectify all the problems within sixty days then we can fine them up to \$1,000 a day, am I reading the Ordinance right?

Moe Rayan – yes.

Mrs. Kuhn – so my calculation is he has twenty-six more days.

Moe Rayan – well actually John McCafferty filed eleven cases with the Magistrate's Office this morning and those are the ones that we talked about last week Mrs. Kuhn that he came in and took applications and stuff like that to file for occupancy permits and then he never came back so John McCafferty did file this morning with the Magistrate's Office. Also just to be fair to everyone the Municipality my understanding we weren't aware of what was going on with 21 Torren's until the date they went out and they had to condemn the property. Our understanding that every tenant and every apartment that is in that row houses had an occupancy permit. The issue is that these people are not I don't want to say honest enough or not honest enough they come in and tell us that there is a change of tenant and that is the responsibility of every landlord to come in and make certain that they record that so to accuse Code Enforcement that we are aware of

Mrs. Kuhn – no no I wasn't accusing them

Moe Rayan – no I wasn't saying you Mrs. Kuhn no whatever the stories that came out and people were saying that we were aware of it to my knowledge they weren't because at one point we thought he applied for permits but he changes tenants everyday and throws people out and not telling us it is kind of hard to know what is going on. But again like we talked we are looking for ways.

Mrs. Kuhn – that is why I am saying Moe what I meant when you were aware because of the fact years ago when this first started we were aware and the Code Enforcement and he was fined and then he came up on it and that is why I am saying I think we need some type of a person in the Code Enforcement when you have a continual offender someone who continually is offending and not doing these occupancy permits you red flag them and then that way you have a Code Enforcement Officer then go over and check on it when you have someone who is so blatantly not taking care of their properties that we are aware of. I just think that there is some way we have to be able I know we can't go we have 22,000 homes in Penn Hills I am not saying we have the time or the money to take care of everyone but when we know that someone is constantly violating the ordinances then they should be watched on a much closer basis and this business with his rubbish is just ridiculous and the people that call me they say that our Public Works does a wonderful job with what they have to do and that over there but unfortunately they take care of it and then he gets fined for it and he takes care of it for maybe like two weeks and then he goes back and does it again. Well that is an ongoing violation so that should be a priority that we are aware of and that we can control because nobody I wouldn't be happy with that and I was just wondering and then I will be done. Is there anyway because I know some Communities that have an ordinance that if your pick-up day is like say Tuesday you can't put your rubbish out any later than six o'clock on Monday and you have to have it picked up.

Moe Rayan – we have that Ordinance.

Mrs. Kuhn – oh we do have it. Then we need to enforce it.

Moe Rayan – I hear you loud and clear Mrs. Kuhn

Mayor DeLuca – speaking on Torrens like after hearing what happened with the row houses I did ask the Manager to make sure to contact him and all his property should be inspected. He originally agreed to let the Code Officers in but he hasn't to date so.

Moe Rayan – and we even talked to the Solicitor what would be our jurisdictions to enter the property it seems easy but it is not.

Mrs. Kuhn – No I know it isn't and like I say and when I spoke to the committee I explained to them if I had ten Code Enforcement Officers I am not going to be able to get everything resolved.

Moe Rayan – short of doing the work ourselves.

Mrs. Kuhn – rights because of the fact but we have to start somewhere. We have to start somewhere and we have to bring into the system some resolve on what we know is the main problem here. So that is what I am asking here.

Moe Rayan – the thoughts were Mayor DeLuca and yourself we talked about perhaps going back to what you said having somebody keeping track specifically with this type of landlords that we are having problems with and that is something we are working on to put into place just having the full compliment is very important and that is what we are trying to find ways to do it.

Mrs. Kuhn – and I know that it is a huge problem for us because of the fact you have to keep their salaries in so therefore it is difficult to put another salary on. But we just it has come to a point now Moe that something has got to be done. We can't just keep waiting for the Courts to make a decision. Hopefully it will be resolved.

Moe Rayan – I hope so.

Mrs. Kuhn – and if it isn't then we as Mayor and Council we have to do something because we cannot continue to be in the hole here with our Code Enforcement.

Mayor DeLuca – Joyce when is the pick-up day for the Garbage.

Joyce Davis – Monday.

Mayor DeLuca – so he has garbage sitting out there now?

Joyce Davis – after the garbage men do such a good job, garbage and appliances are put out.

Mayor DeLuca – Moe have Code down their tomorrow to site them for putting the garbage out we have the Ordinance and the other thing is if he wants an occupancy permit don't issue it until he gets a dumpster.

Moe Rayan – o.k.

Mayor DeLuca – you can't have trash sitting out there for the whole week.

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 9:30 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY