

FEBRUARY 3, 2014 COUNCIL MEETING MINUTES

The February 3, 2014 Council Meeting was called to order at 7:32 P.M. in the Council Chambers at the Municipal Building.

APPROVAL OF AGENDA ITEMS

Mayor DeLuca – We will call this meeting to order. We are going to add a Resolution to tonight’s Agenda Number 2014-007 will be added to the Agenda, the rest of 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, Engineer Minsterman, Finance Director Schrecengost, Controller Futules and Solicitor Alexander.

CITIZEN TO ADDRESS COUNCIL

Mayor DeLuca – Leslie Pandy.

Leslie Pandy – 341 Bryant Drive – I am here again to speak about this resolution concerning the sewage bill. I have spoken with Mr. Rayan a couple, I think sometime in November, I think it was November 22, we had the conversation and I did not feel comfortable with the conversation that we had not to say that there were two things that stood out and one was the initial amount of the invoice that I owed on the bill. That was a discrepancy between what you have presented to me and what your attorney has presented to me and I even remember bringing it to the board on November 18 when I first initially brought that up. Second was of course he and I had a little

debate about the attorney fees which I still feel very strongly about if you would of just sent this letter directly to me there would be no attorney at all. I feel that right now I paid when I spoke with Portnoff and I told Mr. Rayan I needed more time to figure out what is really going on and I really felt during that conversation I didn't feel comfortable, I felt like I was being bullied and the comment that really turned me off when you said I need to let them know something now or there is going to be a lien on my home. I know that there might be a lien on my home and that is why I am here fighting this. I worked very hard to purchase my home and I am still working very hard to continue to give a home to my children and that I feel threatened by that statement that is why I did not want to meet with you again or speak with you again. I said I would rather speak publicly about this and if there is any resolution to this I want it to be done publicly because I just did not feel comfortable with that comment at all. I felt like I was being bullied and pushed in the corner to pay this amount and I did not feel that amount was right and I was right. It was incorrect because I went back to your attorney they actually went line by line by line by line and it was an incorrect amount so I told them that I would pay the \$135.49 and the \$40.00 for the attorney fees I did not have all the funds and I told them I did not have all the funds but it was cash and I sent a check for \$135.49 and it was cashed on December 24th and before I was even able to pay the \$40.00 for the attorney fees I get a letter from Portnoff saying that you have rejected the claim of the money and I have to pay I will just read it \$253.89 with all the penalty, the interest, the fees, the charges and the attorney fees this is outrageous, this is robbery and I am livid, I am upset and I am livid and I just don't understand how can this Council and I am looking at and this is a diverse Council how come somebody can't stand up for the small guy like me, how come someone didn't say this is not right. You took five years to let me know this, five years to let me be aware that this was even existent and nobody here stood up and say this is not right for almost the nearly 700 residents. I feel like I am on a black list, my name is on a black list. I am delinquent, I am negligent, I don't pay my bills that is the black list that you put me on and you put me on it and how I know I am on that list because you want me to pay penalties, fees, taxes like I am a delinquent person and I don't pay my

bills. I do pay my bills and how dare you do this to me. How do you allow it to happen and I want an answer.

Mayor DeLuca – let me ask you the first question you said you sent Portnoff a check for \$135.49.

Leslie Pandy – correct.

Mayor DeLuca – and it was cashed.

Leslie Pandy – yes.

Mayor DeLuca – o.k. when was that sent into them?

Leslie Pandy – I sent it in December and they cashed it on the 24th.

Mayor DeLuca – o.k. and I guess the \$40.00 are attorney fees?

Leslie Pandy – the \$40.00 came up because Mr. Rayan was telling me that I had to pay attorney fees, I had to pay attorney fees, he said what was on the initial bill and it is \$40.00.

Mayor DeLuca – o.k. what was the dispute between what the Municipality gave you and Portnoff?

Leslie Pandy – I think the Finance Director he told me it was \$169 it is in one of these bills here just give me a minute it was \$165.95 and then I found it was actually \$135.49 but that \$30.00 means a lot to me I am working two jobs and I am raising two kids by myself so that money is a lot to me right now.

Mayor DeLuca – alright. To answer your question unfortunately Portnoff when we switched from Central Tax to go to the water companies Central Tax gave us what records they had and the water companies we didn't want them to go through Central Tax Records to try and figure out what Central Tax was doing that is the reason why we had to contract out with Portnoff to collect all the delinquent

sewer bills. One of the things when we did switch over there were two bills that came out unfortunately a lot of people did not pay the Central Tax bill they paid the water companies bill which included the first quarter for the sewage.

Leslie Pandy – I understand how that bill came out but the thing was even if say that there was a bill cause I never received that bill but say there was hypothetically a bill that did come out. Like any other creditor I have ever dealt with they give you the benefit of the doubt oh they missed their payment let's give them a call or let's send them another notice or what about maybe something happened. I was not even given the benefit of the doubt and not a letter nothing. You could of easily sent this letter out yourself and pay .45 cents and sent it in the mail to me and like oh there is something here then I could of dealt directly with Penn Hills and no you decided to get an Attorney to have all these thousand of attorney fees and you want me to pay a portion of what they did for my account. I never asked for this, I never asked for what Central Tax did. The tax payers are paying for this mess that you have decided to allow to happen and I am upset about that.

Mayor DeLuca – we did not allow it to happen. You have to understand there were millions of dollars delinquent that people haven't paid.

Leslie Pandy – please don't put me on a black list like that and that is how I feel.

Mayor DeLuca – the letter you got from Portnoff was the first letter that got sent out. We gave all our records from Central Tax once we got rid of them to Portnoff and they are the ones that were figuring out who owed who didn't owe, they had to check the records against our records Ed I guess that is how they did it?

Ed Schrecengost – they had to check mailing addresses and all that stuff.

Leslie Pandy – It is the matter if you hire Portnorff or some guy what bothers me the most that these outrageous fees are absolutely ridiculous it is robbery you are stealing from me I feel like I am being robbed.

Mayor DeLuca – we will take a look at it. Ask the Manager about the attorney fees.

Leslie Pandy - I am willing to pay the \$40.00. I can't afford anything more and that is what I told Portnoff and then they are going to say they reject the bill itself and they want me to pay another \$200.00 because they said our client refused this, our client wants me to pay more fees and more interest. That is what they are saying you can read the letter yourself.

Mayor DeLuca – is that the letter from the Municipality or from Portnoff?

Leslie Pandy – from Portnoff, I have all the letters. I am just upset about it because I don't even want to pay anything after I saw that. I said what the heck am I paying for, they are just milking me for money. Money that I don't even have.

Mayor DeLuca – o.k. we will look into it and we will give you a call this week.

Leslie Pandy – who is we.

**Mayor DeLuca – I will have the Manager give you a call.
O.K.**

Leslie Pandy – what are we okaying about? I really need some answers because this has been going on a long time.

Mayor DeLuca – the only thing we have here in front of Council is the letter from Portnoff and the backup on the attorney fees and stuff.

Leslie Pandy – which is outrageous. You could have paid .45 and put it in the mail to me.

Mayor DeLuca – I will have the Manager give you a call this week, o.k.

Leslie Pandy – it is not o.k. but that will have to do.

Mrs. Kuhn – let me just ask you one question, the \$135.95 that you sent was that the total that you originally owed?

Leslie Pandy – if I was billed in an appropriate time, yes.

Mrs. Kuhn – so you paid what the original bill was?

Leslie Pandy – yes I did.

Mrs. Kuhn – the other amounts that you have are interest, penalties and that is what is adding up to that \$200 and something.

Leslie Pandy – yes.

Mrs. Kuhn –o.k thank you.

APPROVAL OF MINUTES

Mr. Underwood made a motion to approve the Minutes of December 31, 2013, item a, item b is January 13, 2014 Minutes from that meeting.

Mr. Palumbo seconded the motion.

Dr. Kincaid abstained from the December 31, 2013 minutes.

There being no further discussion the motion for January 13, 2014 was approved by a 5-0 vote and the motion for December 31, 2013 was approved by a 4-0 vote.

EXPENDITURES

Dr. Kincaid made a motion to approve the warrants of February 3, 2014. Journal Vouchers 0 - \$0.00, C.D. Requisitions - 18 - \$33,882.95, Master 26773 - 26879 - \$407,610.42 making a grand total of \$441,493.37. Approval of warrants dated January 21, 2014, Journal Vouchers 0 - \$0.00, C.D. Requisitions - 9 - \$17,053.07, Master - 26689-26772 - \$1,078,932.30 making a grand total of \$1,095,985.37.

Mr. Underwood seconded the motion.

Mrs. Kuhn abstained from Check #26793 and Check #26864 and yes on all others.

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

ORDINANCES

Mr. Underwood made a motion to approve Ordinance No. 2560 of 2014 - an Ordinance of the Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania, designating picnic areas, playing fields, playgrounds, and parking lots of Municipal Parks Tobacco-Free.

Dr. Kincaid seconded the motion.

Mr. Underwood - I do have a question.

Mayor DeLuca - John

Mr. Underwood - I totally agree with this, please do not take this the wrong way. Who is going to enforce this?

John Scaglione - ideally the Police would enforce this. The number of smokers in the Park would probably limit the citations they give out. The same thing with what we have with the dogs, no dogs in the park Ordinance is the way I look at this. We have signs that say no

dogs in the park, people don't bring their dogs into the park so if we have signs that say no smoking in the park it may limit the number of smokers we do have in the park and if the police do decide to give a citation for someone smoking that just goes towards what we are trying to do with the Tobacco Free Allegheny Program.

Mr. Underwood – you had some of the employees of the park when I was babysitting our grandson I took him to the parks Monday, Wednesday and Friday over at Universal. The employee was sitting there painting benches and he was smoking, there was no cop in the area. The patrons coming into the park o.k. they were smoking there really is nobody to enforce it, we really need somebody to enforce it something to give this a bite.

John Scaglione – I totally agree. My head of maintenance just to go back to the dogs in the park because it is a similar situation probably twenty times a day he enforces he cannot give out citations but he can make people aware that there are no dogs permitted in the park and he will do the same thing with this program, my employees if they could smoke in the park they would smoke in the park but now they will not be able to. We can talk to the police hopefully it would only take a couple times before the word got out but all in all I think the fact that the signage is there will sway some people from smoking in the park and we can say that you can't smoke in the park please put that out and if that stops ten people from smoking in the park that is ten less than what we have to worry about and hopefully it grows from there. If we do determine to give citations out I think that would only help to push those numbers.

Mr. Underwood – like I said I am totally in agreement, I have no problems whatsoever (inaudible).

John Scaglione – that is the fight I have every day and with the smoking it will be the same as the speeding in the park, being in the park after hours, trespassing it will be up to me to talk to the police and work with them to hopefully issue some citations and get the word out that these things will be enforced.

Mayor DeLuca – any other questions? No. O.K. thanks John.

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

RESOLUTIONS

Mrs. Kuhn made a motion to approve Resolution No. 2014-002 a Resolution of The Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania authorizing the Municipal Manager to execute required forms and documents to obtain financial assistance under The Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Mr. Palumbo seconded the motion.

Mrs. Kuhn – Moe I am assuming in the language of this is that we are bypassing giving you permission to fill out the forms and documents that are necessary to substantiate any costs that the Municipality had during this period and what is the reimbursement do you know is there a percentage or is there some items that would be reimbursed versus others that wouldn't.

Moe Rayan – actually we are going to be reimbursed for all our costs associated with I believe it was the Storm of June 2006, all of our labor, equipment and material purchased so this one was the whole program was approved.

Mrs. Kuhn – oh that is wonderful Moe. Thank you.

Moe Rayan –you are welcome.

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

Mr. Palumbo made a motion to approve Resolution No. 2014-003 a Resolution of The Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania authorizing Destruction of certain Municipal Records in accordance with The Pennsylvania Municipal Records Manual.

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. 2014-004 a Resolution of The Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania ratifying the action taken to approve the 2014-2016 Collective Bargaining Agreement between The Municipality of Penn Hills and The Professional Association of Paramedics.

Mr. Palumbo seconded the motion.

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

Mrs. Kuhn made a motion to approve Resolution No. 2014-005 a Resolution of The Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania ratifying the action of The Municipal Manager of entering into a One (1) Year Contract with Dr. David L. Burghard, Werntz Memorial Animal Hospital for Veterinary Services for The Municipal Canines.

Mr. Palumbo 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. 2014-006 a Resolution of The Municipality of Penn Hills, County of Allegheny, Commonwealth of Pennsylvania ratifying the action of The

Municipal Manager to enter into a One (1) Year Contract with Crystal Clean Windows, Inc. for Window Cleaning Services at various Municipal Facilities.

Mr. Palumbo seconded the motion.

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

Mr. Palumbo made a motion to approve Resolution No. 2014-007 a Resolution of The Municipality of Penn Hills, County of Allegheny County, Commonwealth of Pennsylvania ratifying the action of The Municipal Manager in entering into a Sales Agreement with Penn Tex Ventures, LLC. for the sale of Real Property known as Tax Parcel 448-C-72, the site of The Old Department of Public Works Garage for \$230,000.00.

Dr. Kincaid seconded the motion.

Mayor DeLuca – before I open it up for questions I just want to thank Moe for doing a good job of negotiating. I think everyone saw his memo and the original price was \$200,000 and he got them up to \$230,000 so good job Moe.

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

REPORTS

Mrs. Kuhn – I noticed Moe when we received our packet from you we did have a letter that was sent to the Officer who was involved in the shooting last week and in it it has that if he wishes to talk to someone to contact the program and it is free. Has anyone ever considered having it a mandatory when something like that happens that they need to speak to someone because I just worry that they might think it is not bothering them and somewhere down the road it could to lead into something that would bother them. I didn't know if that would have to go under negotiations with the Union and the Labor

but I just thought that you know sometimes people just think that they are o.k. when really somewhere down inside it could come up and have a problem in the future so I didn't know if that would be a possibility to maybe entertain.

Moe Rayan – I believe we can talk a look into this Mrs. Kuhn however it becomes a HIPA issue that at a certain point we cannot interfere we can just provide them with a program and whether they take it or not it becomes the responsibility of the individual but so far we haven't had that problem luckily the Officer went and so he was able to further discuss this matter with the professionals. We will look into it and talk with the solicitor.

Mrs. Kuhn - I am glad that he did but like I said I didn't know if maybe it could come up with some of the representatives of the Police Department it is just a suggestion because I would hate to see someone say no I am fine a lot of people think they are fine and really they are not and something could trigger it down the road and cause a problem for them. Thank you.

Moe Rayan – we will follow up on it. Thank you.

Mayor DeLuca – I just have a couple. The Penn Hills EMS on February 17 at the Penn Hills Senior Center they are having the third Monday of each Month they are having Health Education for Seniors, Dr. Rogal will be there on joint replacement treatment options for knee and hip arthritis. Also on March 17th they are having another event with Karen Little from UPMC Imaging Center, imaging Mammogram and DEXA Scans. If we could get that into the paper and Moe are these also on our web-site, do you know?

Moe Rayan – I am pretty sure but I will check on that, I think every time that we have a program like that Diane Fitzhenry is pretty good about communicating that to Jack.

Mayor DeLuca – o.k. and also I forgot my one Manager’s Report where we listed all the good things happening in Penn Hills so Moe if you could do me a favor and just run down that list of new stuff that is coming in.

Moe Rayan – I will just go with the ones that are fresh in my head starting with the Public Works Garage I believe

Mrs. Kuhn – I have it Moe.

Moe Rayan – and the space in the shopping center, the old Vanity Fair is going to be occupied with an Office Furniture Warehouse, the D’Andrea VOCOLLECT Project they came in and obtained a grading permit, PNC Bank on Rodi Road they will expand their ATM Center it will go in the area of old Morgan’s Restaurant and there is an office complex will go in on Thomson Run Road, the Planning Department approved the site plan for multi-building light industrial sub-division, additional small project Duquesne Light Company will construct a small addition at their Hershey Road Facility Complex, Longvue Country Club in the process of constructing a new maintenance facility building - that is basically what we have on the books right now and hopefully all materialize in the near future.

Mayor Deluca – that is good news for Penn Hills.

Mrs. Kuhn – very nice way Moe to start the New Year.

Mayor DeLuca – with that we will go into Executive Session to discuss Personnel Matters.

ADJOURNMENT

Mayor DeLuca – entertain motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

The meeting was adjourned at 8:02 P.M.

DATE

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