

JUNE 15, 2015 COUNCIL MEETING MINUTES

The June 15, 2015 Council Meeting was called to order at 7:39 P.M. in Council Chambers at the Municipal Building. Mayor Anthony DeLuca presiding.

APPROVAL OF AGENDA ITEMS

Mayor Anthony DeLuca – Good Evening we will call this meeting to order. Under Items for Consideration we are going to have to delete the Proposed Ordinance for revisions to permit chickens and community banners since Chris Blackwell is not here. The rest of the Agenda will stand as presented.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

ROLL CALL

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

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

PROCLAMATION – FOR EAGLE SCOUT – ANDREW KARP

Mayor DeLuca – Andrew has achieved the honor of Eagle Scout and we want to present a Certificate of Recognition for his outstanding accomplishment.

Whereas, the Boy Scouts of America was founded on February 10, 1910, and has grown to be a vital force in the development of our youth, serving many thousands of people through a wide variety of activities designed to complement and implement the youth programs offered by civic organizations, churches and our school systems; and, whereas, the major objectives of the Scouting Program are to develop citizenship through community involvement, character and personal fitness; and, whereas, the greatest achievement of youth within the Scouting Program is the attainment of the rank of EAGLE SCOUT; and, whereas, such rank requires endless hours of service to the community and the Scouting Program, as well as a great deal of pride, enthusiasm, dedication and hard work; and, whereas, the achievement of the rank of EAGLE SCOUT is an honor realized by only a small percentage of all Scouts; and, whereas, ANDREW JOSEPH KARP became an Eagle Scout on November 16, 2014; and has joined his brother John Palmer Karp who also is an Eagle Scout. Andrew has been

continually active in scouting since the 1st grade. He is now a senior at Penn Hills High School and plans to attend Grove City College next fall for English and Communications. Andrew has held several positions with Troop 891 including Scribe, Patrol Leader and Senior Patrol Leader, he has been on the Penn Hills High School Golf Team as well as the Captain of the Boys Swim Team, and; whereas, a striking example of the pride, enthusiasm, dedication and hard work has been brought to our attention by the achievements of ANDREW JOSEPH KARP, Boy Scout Troop 891 in Penn Hills, in the Eagle Project. As part of his Eagle Service Project, Andrew constructed two illuminated amplify logo signs, illuminated letters spelling out "YOUTH", and five sets of light towers. These stage props will be used in Amplify Church's Theatre area during youth meetings, services and other events; and, NOW, THEREFORE, I, ANTHONY L. DELUCA, Mayor of the Municipality of Penn Hills on behalf of the Council and all our residents do hereby recognize and commend ANDREW JOSEPH KARP on the attainment of the rank of EAGLE SCOUT, congratulate and commend his parents (ALAN G. and MARY ANN) on their persistence, love and guidance over the years, and urge all residents to be cognizant of the vital role Scouting plays in our community and the honor of earning this prestigious rank. FURTHER, that a copy of this Certificate shall be delivered to ANDREW JOSEPH KARP with our best wishes for future success. IN WITNESS WHEREOF, I HAVE HERE UNTO SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF THE MUNICIPALITY OF PENN HILLS ON THIS 15TH DAY OF JUNE, A.D., 2015. ANTHONY L. DELUCA, MAYOR. So let me be the first to congratulate you and I wish you the most success in college. Thank you.

DEMONSTRATION – THE PENN HILLS POLICE WEB PAGE

Chief Burton - Thank you Mr. Mayor and Council. A couple of months ago we talked about a Penn Hills Police Web Page and it has come to fruition and we are going to try and demonstrate it tonight briefly as this very robust, user friendly it contains a lot of information. The Penn Hills Police Department recently launched the brand new web page. It is called www.pennhillspolice.com. In addition to this site we have also created a face book and twitter account. It seems to be what the younger people are doing. I have no idea how it works but that is what we do. So anyway we are looking at that tonight and Officer Adam Lawrence one of our newer officers he expressed an interest in helping design this web page so we had it contracted with a company to get the basics in but Adam did all the work. He did all the research, looked through all the old file photos, this page is his page, he developed it. All the data that is in there, all the links that were put in there he did it all. This young man did a very good job for us and I am very proud of Adam for doing this for us. What this does, the police web page is a very user friendly site it goes above and beyond the scope with many agencies our size. Some of the key highlights include but are not limited to look at our various divisions our Patrol, our K-9, our Traffic, our Investigative, the history of the Penn Hills Police Department, there are some great old photos on there, sections that honor the memory of our Fallen Officers, frequently asked questions page which is really great and you will see it tonight and actually click on a question, most questions that people ask how to do

things and what they have to do. Adam actually asked the other Officers what people ask you. And they are on there. So the Officers actually had a lot of input in developing this page. There is a separate page for Crime Prevention which Detective Trogler will touch on briefly tonight. We have a tips page on there. Residents can go to the tips page log in and create the tip and send it to us. It will go to Detective Trogler and it will be followed up. We also have information about our Police Academy. We have done 8 Police Academies now; it is a big hit people love that program and we have a waiting list to get on basically. The information is there also for that. Forms, documents that Police have to fill out or people have to fill out for the Police they are on there in addition to the employment section when we are hiring Police Officers that information will be on that web page also. Plus there are other pages there that expands what is going on in the community, current events that the Police are putting up what to watch for in tips things of that nature. There are a whole lot of other thing here and I don't want to take up your time, what I would like to do is have Adam boot it up. I know it is very far away from you folks to see in the back of the room but with the audience here I want them to be able to turn around and look at it also. I suggest please go on the web page it is easy to get to and very user friendly so with that said Adam would you like to get started?

Adam Lawrence explained and demonstrated to Mayor & Council and Manager and all residents at Council Meeting the Penn Hills Police Web Page. It was very informative. Go to www.pennhillspolice.com. Adam explained all the different links and pages and did a great job explaining the web site to everyone.

Detective Trogler (in audible) he wants to hold Town Meeting to discuss Crime Prevention on the web-site.

Chief Burton – and that is it. Thanks for your attention and it is well worth looking at. Thank you very much.

Mayor DeLuca – thanks Chief good job.

Mayor DeLuca – that is something Mayor & Council has been talking with the Police Department trying to get it up and running for about a year now.

Moe Rayan – it started last fall.

Mayor DeLuca – yes last fall so I am glad we finally got it up and running.

CITIZENS TO ADDRESS COUNCIL

Christine Miller – Good Evening my name is Christine Miller and I live at 109 Garlow Drive and I am presently the President of the Crescent Hills Civic Association. We are here to express our concern regarding the condition of all Penn Hills Roads not just Crescent Hills. We have been involved in cleaning our roads around Crescent Hills for about ten years now and we have adopted parts of Frankstown, Saltsburg and all of

Lime Hollow and we just did Lime Hollow Road last Saturday. These roads like Lime Hollow especially that go through Penn Hills and they convey the first impression of our Community. We clean these roads several times a year and estimate that we have picked up over 2,000 bags of litter plus tires and other things. But having litter free roads is important to a community and reflects the community's pride. We believe that littered roads are blighted roads but also our pot holed roads are also blighted and when they are deteriorated they represent a picture of blight and Penn Hills Roads have been in this condition too long. Recently our residents petitioned and presented 94 signatures to the Municipal Manager to have Crescent Hills Road paved and we thank you for including Crescent Hills in the Paving Schedule for this year but we don't think that residents should have to petition to have their roads maintained. Crescent Hills road was last paved twenty years ago which we were told was the normal. We also learned that two other roads in our neighborhood, Earlwood and Glenfield Roads will be repaved after a water line problem is completed and that is supposed to happen according to the water company in early July. Last July Mayor & Council approved the list of roads to be paved in 2014 and those roads were paved in the fall. Since these roads speaking about Earlwood and Glenfield are as in bad condition as Crescent Hills Road we are asking you to add these two roads to this year's paving schedule. It is our understanding that the Penn Hills Municipality has a Road Paving Program for the 134 miles of roads that are its responsibility. This program was commissioned in 2008 from Gateway Engineers. The report from Gateway Engineers dated January 2009 stated and this is in quotes "Local Roadways are the most highly visual type of infrastructure in a community, good infrastructure such as roads will likely attract new businesses and spur economic development there by increasing the tax base and property values. Roads are Penn Hills asset and should be properly managed to protect that asset." The records show that this advice has not been followed. Recently we have had an opportunity to look at that six year old program and we wish to present our findings to you today. For this purpose I turn over the microphone to a member of our board and chairperson of our Code Enforcement Committee, Mark Lantz and we have copies of the report that Mark is going to read.

Mark Lantz – good evening I am a resident of Crescent Hills and I am a member of the Crescent Hills Civic Association. In my capacity as a Code Enforcement Chairman I act as a middleman between the residents and the Municipality. A couple of months ago one of our residents in frustration because of the code issues and pot holes on her roads declared she would move out because of the failure of the Municipality to do something to resolve these issues. This is a caring and responsible resident and we don't feel that we would like to hear comments like this. With the recent addition of more Code Enforcement staff by the Municipality we believe these types of complaints will now be properly handled and I want to thank you for taking care of the Code situation and I can tell you that it is working better now in the last few months but for the road problem that our resident was addressing we want to reference a report commissioned by the Council in 2008 and done by The Gateway Engineers of Pittsburgh. At that time Gateway Engineers did an analysis of the general condition of our roads. We commend Council for taking action like this. Gateway Engineers

provided this report regarding condition of Penn Hills Roads on January 12, 2009. The report cost \$62,000 which is money probably well spent. It is found that at the Public Works office in a three ring binder which contains a several page report as well as a recommended budget and a list of the ratings of all 134 miles of the roads that belong to Penn Hills. It lists the roads paved in 2012, 2013 and 2014 and they are all in this binder. There were ten roads in 2012, ten in 2013 and twelve in 2014. The Gateway Engineers we are going to refer to them as the engineers said that they examined all of Penn Hills owned roads and used a computer program to analyze and rate the data. These roads were assigned numerical numbers from 0 to 100 that indicated each roads overall condition index and we will call it the OCI. The roads with higher use were given more weight than roads of lesser use. The engineers explained the ratings as follows: 0 to 20 means that the roads have to be totally reconstructed. Only 15 roads were in this category back in 2008 according to the engineers. 20 – 60 is a category for restoration and these are the roads that should be repaved but were resurfaced. 60 - 80 are roads that only need preventive maintenance usually cracks handled in the fall and 80 – 100 means no treatment is needed. Penn Hills overall rating was 56. The engineers reported a large majority of the roads were ready or soon to be ready for resurfacing. Well we are here today to advocate for all of the Penn Hills Roads we will present the data collected into this report regarding Crescent Hills Roads because we are familiar with those roads. You have it in your pamphlet there. You can see that Crescent Hills Road which is going to get repaved was down in 2008 was down to 34.89 as an OCI and you can follow down through and the average of Crescent Hills Roads was 43.33 where the average in 2008 of the Penn Hills Roads was 56. You might notice that Garlow Drive is at 66.42 and you might know that Garlow was a newer road that was put in the 50's where a lot of Crescent Hills Roads were put in the 20, 30 and 40's. The report warns and I quote "It is very important to particularly maintain the condition of each road to prevent them from deterring to a condition which requires full depth reconstruction, this is very expensive and in fact the estimates that a full depth reconstruction costs about five times as much as traditional resurfacing". (in and out audible) all information is on report that Mr. Lantz gave to Mayor and Council. The report presented four budget options and the consequences to the OCI. Option No. 1, \$200,000 a year. Spending \$200,000 a year would drop the OCI from 56 down to 45 in five years. Option 2 would be to spend \$1.25 million and the OCI would drop from 56 to 52. Option 3 to spend \$2.25 million and the OCI would only drop to 54. Option 4 would be to spend \$3.25 million and the OCI would increase to 64. The engineers recommended Option 3 and said that this was the least amount necessary to maintain the condition of the roads. They noted that the average roads need repaved every fifteen years and they further recommend that the continuation of the yearly crack seal program which expense is not included in the above estimates and aggressive re-maintenance program will reduce a life cycle cost to maintain the Municipal Road System. We will now look at how Penn Hills has followed these recommendations. The charts we presented to (inaudible). As you can see in chart two in your pamphlet we started in 2008 and 2009 and we really need to look to 2010, 2011, 2012, 2013 and 2014 and that would be the five year period for which you were given recommendations

for. You can see that in 2010 no resurfacing happened and in 2011 \$202,000, 2012, \$266,000, 2013 \$186,000 and in 2014 \$620,000.

Mrs. Kuhn – (first part inaudible) we won't have any parks any more we are going to do this we are going to do that no we had to do the tough decisions that we had to make now we did do this road program and the reason we did the road program was not just because of the fact what Gateway would tell us what we should spend that is theory that is not reality that is theory. What we did that for is so they would give to us what roads should be done in what stage. Am I right? Is that what the road pavement was more than anything? Was to give the Municipality a direction on what roads we should do in what time period. Now, like I said in theory Gateway said this much should be done but if you don't have the funding you can't do that. So when you add up these five years you are being very unkind to the Municipality because you are giving us monies when we didn't have any money to put in it but you are not saying 2011 it went up to \$202,000, 2012 \$266,000, 2013 \$186,000 and 2014 \$620,000, so are we working at this, yes Mark we are working very hard but we don't have magic wands.

Mark Lantz – I appreciate what you are saying. I wasn't around in those times to hear what your problems were. We weren't taking into consideration everything we were talking about was from 2010 and forward this is when your engineering report came out. We weren't using figures from 2008 or 2009.

Sara Kuhn – well you have them here.

Mark Lantz – we show them but that wasn't part of my presentation. My presentation was

Sara Kuhn – you are saying in 2010 it was 0.

Mark Lantz – that is correct.

Sara Kuhn – right.

Mark Lantz – you would have only got the report in 2009 so you couldn't have started a budget until 2010.

Sara Kuhn – right so what I am showing you Mark is that 2008, 2009 and 2010 look what was spent.

Mark Lantz – I see that.

Sara Kuhn – and then look what has been spent since so it is not like the Municipality and Mayor and Council and Manager isn't working on this it is just that you cannot pay everything and like I said if you can show me in the budget for those years

where I would have one million dollars for the roads and show me what I voted on in those budgets

Mark Lantz – I can see your point in 2010 you had an income of \$24 million, 2011 it was the same, then you went from \$24 million to \$30 million to \$33 to \$34 million so your revenue has increased.

Sara Kuhn – and so has the paving.

Mark Lantz – and so has the paving that is correct. It is still nowhere near the recommendation from your engineer.

Sara Kuhn – right but what I am asking you Mark is you did this homework look at the previous budgets and tell me where I would have had the money to do in theory they are saying the percentage of what 3your budget should be

Mark Lantz – are you talking about 2008 and 2009?

Sara Kuhn – I am talking about from 2009, 2010, 2011, 2012, 2013 and 2014.

Mark Lantz – I can see in 2010 and 2011 you didn't have any money. In 2012, 2013 and 2014 yes your income ran up almost

Sara Kuhn – so in theory I am suppose to be doing so much percentage of my budget for the roads that is in theory but in real money where was it and if you can show me that I spent the money on something improper other than what I should have then that is fine.

Mayor DeLuca – Sara hold on. I had Moe check the numbers. In 2014 we spent a million dollars on roads. We only show \$620,000.

Mark Lantz – well this is what comes out of your budgets.

Mayor DeLuca – the contract was \$700,000. We spent on \$200,000 on in house paving which is our road department, Public Works doing it then we add \$150,000 on the CDBG Program, so in 2014 when you are doing your numbers you don't have all the numbers in there you are just looking at what we sent out for bid.

Mark Lantz – alright maybe that is true I didn't do the numbers I had somebody else do the numbers for me but it still comes down to where you are grossly underfunded from what your engineers were requesting.

Mayor DeLuca – we understand that but like I said we are trying to work towards that and get to that two million dollars a year but you just don't want to end up like when we first came in. My administration had fifty thousand dollars. If something happens

then we have to take a tax anticipation note just to get through the year. That is what you have to account for. It is not about what we are going to end up at the end of the year and make sure we spend all that money you have to account for emergencies too. You don't want to end up where like at the end of the year you don't have any money.

Mark Lantz – I understand it but at one of these meetings very recently it was reported that you had a surplus and we were just deciding let's put that surplus in the roads. Let's get these roads repaved and get them back up to OCI at 56 or close to that to where we are not listening to all the neighbors complain and we are not running over pot holes and we are not doing patch jobs on these roads. I can show you right here on Azalea Drive I mentioned to you they come in and patched 500 feet of the road and left the other half of the road and what is the purpose why didn't you just do the whole road and be done at one time that is where I am coming from.

Mayor DeLuca – because every year we have after the winter depending on what type of winter and these past winters have been killing our roads. Roads that should have been done had to get pushed back because the other roads during the winter time like Laurie Drive is crumbling apart so that has to be fixed. I can tell you McAllister that is crumbled like most of the road is in decent shape but it collapsed on one side of the street and that is why every year we have an intern go around and redo our streets renumber them to see for next year what roads we have to pave for next year so we get an estimate for our budget what we have to put into the roads. We are working towards getting to those two million dollars a year to pay for the roads so you just have to be patient. I can tell you from the past administration how they paved the road they floated a bond and it was a thirty year bond and we are still paying for it and it only lasts like you said for thirteen to fifteen years and it all depends on the weather but I remember I was on Council and they said we have to pave roads lets float a bond and that is what they did and we are still paying for those roads.

Moe Rayan – I appreciate your review of the budget Mark however it appears to be misunderstanding the way it was reviewed. There is a \$6-1/2 million dollar surplus showed at the end of 2014 and we are proud of that and I can't take that away from anybody from the hard work of all these people put into it to come to this point. Now the \$6-1/2 million dollars if you continue reading the budget you will see at the end of 2015 you have \$2.2 million provided that everything goes well. That \$6-1/2 million dollars it was back then now that \$6-1/2 million dollars is being used to live on if you will. It is a cash basis that we operate on a cash basis so that is the funds that we have from the revenues that are coming in we use it we distribute that fund in addition to the revenues that are coming in and that is how we develop the budget. That \$6-1/2 million dollars is not sitting in the bank it is being used if you are looking at the budget. You will see an end balance for 2015 of \$2 million something I can't remember the exact number. So an end balance providing that everything goes well that we don't have severe storms as you saw last night and a couple nights ago those things cost about \$600,000 at a pop, issues with the parks like flooding it costs money to live . I am not telling you something

you don't know. So that money is not just there to sit in a bank just to look at it it is being used throughout the year.

Mark Lantz – very good. Maybe we could meet with you and look at the budget and see if there is money.

Mayor DeLuca – just to give you an example I remember one year the water line down at Penn Hills Park broke, we tried to fix it but the maps of where the water line was the water line actually wasn't there so we had to install a new water line because we couldn't find the old water line so it is one of those things that we didn't expect we would have to do but we had to do it.

Moe Rayan – Mrs. Miller just for one of your comments you said that you petitioned to get Crescent Hills Road paved, it was time for that road it wasn't because of the petition however we do welcome the people bringing it to our attention so we can put extra effort into reviewing that, that road was ready for paving. We looked at it the prior year we were waiting for some settlement for that water line to settle and it was time for that road to be paved however again a petition is welcomed but it is not because I had a list of 90 people it was because of the condition of the road.

Mark Lantz – we appreciate that. We will keep your position of what we heard here tonight and we would ask that you do the same with our thoughts and maybe we can sit down here and work together and see what surplus are there. We would like to see these things get back on to where roads are done every fifteen years. Everybody is recommending fifteen years and everybody is telling you that your roads don't last twenty five to thirty five years because of the way they were constructed so that is where we are coming from.

Mayor DeLuca - everyone on Council agrees with you and if we had the money just to throw the \$2 million every year we would do that in a heartbeat but we will get there we just have to continue to work with the budget.

Moe Rayan – looking at the surplus of \$2.1 million at the end of the year if we follow the engineer's recommendation which we do our best to follow the paving program I am a civil engineer myself I do respect what our engineers did however we need to be realistic. We have \$2.17 million supposed to be left if we utilized this year's evaluation of the engineers we have \$1.2 million and take \$2 more million dollars we would have a \$3 million dollar program we would have \$76,000 in the bank in 2015.

Mark Lantz – we don't want that.

Moe Rayan – that is what would happen if we listened to the report. We have to be realistic.

Mark Lantz – that is fine and I would like the opportunity to sit with you and maybe review that.

Moe Rayan – absolutely. Anytime that you would like I am available.

Mark Lantz – o.k. thank you very much.

Rick Minsterman – Gateway Engineers – I just want to mention my experiences with other Municipalities in dealing with paving programs. Many communities hide from this issue they are afraid to find out the conditions of their roads and what it takes to actually put together a program to fix the roads so I personally commend the Council and Mayor when they did institute this program to really take a look because they were serious about it and most people that say they want to fix roads that don't do a pavement program and aren't really serious so the targets that were generated are dollar amounts based on a software to project conditions of the roads which were given to us by Penn Hills. So I said so what would happen if we spent this and what happens if the condition goes down or up they were assessing what their opportunities and possibilities were financially so just to reinforce what the Manager said this is an Engineer Technical Report that generates cost and budgeting but it in no way represents what can be spent. It doesn't look at the financial status of the Municipality it only looks at it from a pure technical standpoint. So what I see out of all of this information that you presented which is mainly a summary from the report itself with some budgeting numbers in there is that they are definitely making improvements and I think that is very promising. They understand the problem more than I think you give them credit for and they understand the need of a strong roadway asset. I just wanted to make that point that through my experience I think Penn Hills is way ahead of the curve of many others in at least understanding and having a plan to fix the road system.

Mayor DeLuca - thanks Rick.

Mayor DeLuca - Gary English

Gary English – Good Evening, my name is Gary English, 119 Ashley Drive. Two months ago I spent four and a half hours of my day cleaning up the garbage in my Community and I spoke to this Council and raised issues to Code Enforcement in the lack of enforcement. Never got any answers to my questions, I got a few excuses like you were understaffed in Code Enforcement but I pointed out that a barn two hundred yards from my home has been falling down for a decade and it still exists today so whether you were short staffed or not I think it more of an excuse and not really an answer. Two weeks after I cleaned up the roadway it was campaign season and signs started to appear just like the dandelions appear on our front lawns. These signs are littering our landscapes so I checked the Municipal Code 1437D which states “No Person shall post a campaign sign on State or County Road Right of Way unless consent has been given by the State or the County providing it is a State or County Road”. Pennsylvania Highway Law Section 425 states nearly the same including legal

postings must first have obtained the written consent of the department. So I took it upon myself to contact both the County and State Highway Departments which confirmed no written permission was authorized. The signs were illegally posted all over Penn Hills on County and State Rights of Way, why didn't Code Enforcement, John McCafferty enforce this Ordinance? Further, why didn't Mayor DeLuca abide by this Ordinance when he seeks to enforce this Law if he becomes the District Magistrate?

Mayor DeLuca - first of all Gary

Gary English – you are out of order I have the floor, I have the floor please, I have the floor, I have the floor

Mayor DeLuca – I am going to tell you what Mr. English if you continue this I will have you removed from this floor.

Craig Alexander – the Mayor determines who has the floor.

Gary English - I have three minutes to speak, he can comment afterwards if he wants to.

Craig Alexander – no no he runs the meeting.

Mayor DeLuca – this is my meeting you are out of order.

Gary English – no you are out of order.

Mayor DeLuca – sit down now.

Gary English – no. I wish to show these campaign signs they are desecrating a burial ground at the old German Cemetery.

Mayor DeLuca – Moe went to get a police officer and escort Mr. English out of here.

Dr. Kincaid – Mr. Mayor he is out of order.

Gary English – then I will share these with the rest of the community. You are out of order, Mayor.

Mayor DeLuca – next we have Shawn Leeds.

Shawn Leeds – Hello Council my name is Shawn Leeds I represent the owners for Duff Manor Apartments. I am here today to speak on behalf of the owners of Duff Manor Apartments located at 15 Duff Road regarding the Ordinance that was passed

recently, Landlord Registration Ordinance No. 2015-2574. I have five main points I want to make today. These points are created by me trying to understand this Ordinance as well as talking to other landlords and managers in the community. I hope these points come across clearly and please if you have any questions feel free to ask. My first point is why weren't we as landlords notified about this Ordinance and given an opportunity to speak? This Ordinance that was passed was something that was affecting us directly as landlords shouldn't you make a serious effort to notify us, isn't there a requirement to notify us? Any landlord I spoke to did not know about this Ordinance until a week before June and this Ordinance was passed on March 17, 2015. It seems to me like this Ordinance was passed in a very secretive way and there was never an interest in public opinion on this Ordinance. I think that this Ordinance does not set a good example in this community and I think it only sets an example that says that we really don't want to work together with you. My next point is that if you look at this Ordinance a separate thing is that the Municipality already requires an occupancy permit and when we have to get an occupancy permit which costs \$50.00 we have to get it by every new tenant. Every time we have a vacancy we have to get a new occupancy permit which involves an inspection and with you guys receiving the name, and occupants as well as the address of the occupants so in the Ordinance that you passed this registration that you are asking for which is names of the tenants you have that information already so you basically are charging us for information that you already have. The next one is the rules that you attached to the Ordinance. The rules that you attached to the Ordinance are the broadest basic rules out there. There are rules on there that say that a tenant is not allowed to deal drugs. There are rules on there that say that a tenant is not allowed to destroy their apartment that they are not allowed to affect the livability of the community. These are all rules that are on our leases. They are on our actual leases that we have our tenants sign. In essence you took our lease copied some rules off of it asked us to attach it to our lease as an addendum and then charge us \$50.00 to chase after the tenant to try to force them to sign these rules. So really it accomplishes absolutely nothing. These rules accomplish nothing as well as spend a lot of our time and money. My next point is what are we suppose to do if the tenant says we are not signing these rules? I do not want to sign these rules on this addendum you are giving us. What are we suppose to do with the tenant? Evict them, is that what you want us to do evict our tenants because they won't sign the rules that you are requiring us to do or this addendum that comes from Penn Hills that you are requiring us to have our tenants sign? I don't see how this can end well as far as from us to our tenants with trying to force people to sign a paper like this. I think that is can really directly affect our occupancy make it more difficult for us to fill our apartments and create an environment that tenants are going to say you know what I would rather go somewhere else. I can go to Monroeville, I can go to Pittsburgh, I don't need to live here, and I don't need to deal with this type of problem. I don't need to deal with these problems. I think we already have as landlords a tough job getting people to move into this community why make it any more difficult. My last point is that Duff Manor is a senior subsidized housing property. All the rules that you guys mentioned in the Ordinance is for safety, for security none of this has anything to do with a senior subsidized housing property. You do not have these types of problems in

a senior property. Because the property is subsidized we reached out to HUD who we go to if there are any issues or any concerns regarding the property and HUD has informed us that there is a problem with this addendum and we are not allowed to have our tenants fill out until further review so this means that signing this type of addendum could result in a loss of our subsidized housing contract. The last thing we need is seniors not being able to get affordable housing. They also informed us that we are not allowed to pass on any of these \$50.00 charges if for some reason we are not allowed to pass on this \$50.00 so that means we are totally responsible for that amount of money. I hope you give my points serious consideration, I know the owners and the managers around the community as well as the ones I represent are very concerned about this Ordinance and how it will affect this Community. I think that this is a detriment to the residents and taxpayers and voters by forcing us to pay this tax, the owners will have less money to pay towards improvements on the actual property and the residents will be hurt because if there is less money to spend they won't see the improvements that they usually see as well this will cause the property to fall into disrepair earlier and cause a snowball effect for properties that are neglected more and more because funds are being spent on useless tax instead of the actual property. I really hope that you overturn this Ordinance. Thank you for your time.

Mayor DeLuca - thank you on your first point we talked about this Ordinance at least two or three times over the last several months before we passed it. All we can do is advertise it in the newspaper.

Shawn Leeds – any landlord I spoke to had no idea about this. So you put it into the common areas where you say you are supposed to put it.

Solicitor Alexander – no it is put in the legal area.

Shawn Leeds – if you know somebody is going to get a \$12,000 bill or a \$5,000 bill because of this Ordinance don't you think you should make an effort to notify them. At least give them a heads up that this is what we are discussing and maybe you should come in for public opinion. It is a serious amount of money.

Mrs. Kuhn – to address what the Mayor had said about I think you used the terminology in a secret way, it was not a secret. First of all there were many many residents who had complaints about landlords and about the way that there properties are kept. So they brought it to Mayor & Council's attention and we spent as the Mayor said many meetings, many discussions on this now we did not send out to every landlord in Penn Hills that is not how we do things. If we set an example with that then it means that everything that is on our Agenda we would have to send out to the people of Penn Hills in case it would affect them. This was not done secretly this was done by comments and requests from the people who live in Penn Hills. Now as far as you saying that you say that you already have this information on your leases and then you say they won't want to sign these new rules and what do we do well if this information is already on your leases and they sign your lease so I don't see what the difference is

there. And I would like to know who you spoke to at HUD who said that this was not properly done because I would like our solicitor to contact them because of the fact the solicitor did research this to see that this was done properly and as far as people coming into rent into Penn Hills of course we want people to come to rent into Penn Hills and in your situation this is subsidized by HUD I don't really think that would affect the people coming into rent at Duff Manor. But if you could give us the name and number of who you spoke to at HUD I would like the solicitor to call them and see what their position is on this.

Shawn Leeds – o.k. you did ask me about five questions there I will get the solicitor that paper work as far as the name exact name of the person as well as the letter from her stating that we are not a loud to sign this paper work but can you repeat your first question and I just want to go through your questions and respond to them.

Mrs. Kuhn – my first comment was on your comment that we did this in a secret way.

Shawn Leeds – right.

Mrs. Kuhn – that is not accurate and what I stated to you was that we had many meetings on this and we had many complaints from the residents of Penn Hills about the landlords who do not keep their property up who have people come in and out and it was through their complaint of the blight that those places were causing that made Mayor & Council decide to look into this. And we had many discussions at many meetings on this so it was far and above over secret.

Shawn Leeds- so I am not understanding why charging every apartment \$50.00 and giving you information that you already have stops people from going in and out of apartments. Before we had a presentation from the police that stated if you see somebody going in and out of an apartment you should go and call the police and then the police can respond to that. Why charging a senior housing project \$5,000 is going to help with that problem and having all my tenants sign an addendum going to help with that problem that doesn't help the problem. It doesn't do anything.

Mayor DeLuca – what it is going to do registering those tenants now on the occupancy permits we are going to have the name of the tenant that is supposed to be there.

Shawn Leeds – we already have that.

Mrs. Kuhn – not if they move out.

Shawn Leeds – by the occupancy permit you have that.

Mayor DeLuca - it doesn't have the name of the tenants.

Shawn Leeds – do we give you a tenant list at the end of the year to ensure that all the people

Mayor DeLuca – you do that at least once a year.

Shawn Leeds – you get that at the end of the year now you are asking for it again.

Mayor DeLuca – the problem is you have some landlords having people in and out during the year.

Shawn Leeds – so go after those particular landlords don't hurt all your good landlords in the neighborhood because of a few bad apples. You want to hurt all your good apples, get all your good landlords upset because of one or two bad landlords, why would you want to do that? Why don't you come to the people who are doing good for your community, maybe we can work together to stop these issues. Why would you go after your good tenants and hurt us to stop a bad apple?

Moe Rayan – maybe you are a good manager but we have problems with others and you can't selectively go after people. It has to be an Ordinance; it has to be a rule throughout the Municipality. You can't selectively go and grab people and say you are a bad landlord, you're a bad manager, and you can't do that sir. You have to have an Ordinance that applies across the board to everybody. Sometimes the good goes with the bad and maybe that is your situation you handle your business in a proper manner, and others don't and for the safety of our residents we have to do something like that.

Shawn Leeds – if you have drug dealing inside of an apartment

Moe Rayan – that has nothing to do with that. This is not a police issue.

Shawn Leeds – it says in the Ordinance it has everything to do with

Moe Rayan – trafficking perhaps yes that is part of it but that wasn't the intent of that Ordinance.

Shawn Leeds – if you go through the rules these rules are just basic legal rules if somebody is breaking some of these rules whether if it is a tenant of mine then we can evict if it is somebody that lives in the area then as a police force whether they are a renter or own their own home if somebody is breaking the law then you do as you do when somebody breaks the law. Why are you charging us money for somebody else breaking the law?

Moe Rayan – because it is a requirement that you have to turn in the people that live in your apartments on an annual basis. Anytime that you have to change a tenant you have to report.

Shawn Leeds – an occupancy permit?

Moe Rayan – no it is not an occupancy permit. The occupancy permit

Shawn Leeds – I have an occupancy permit right here and it says if you have a change of occupant you fill out the new paperwork.

Solicitor Alexander – I understand. They are totally different instruments.

Shawn Leeds – so connect them. Figure out how to connect them.

Solicitor Alexander – do you not have rental units in other communities other than Penn Hills?

Shawn Leeds – yes I have them in many places.

Shawn Leeds – and no where do we have such a thing.

Solicitor Alexander – almost every community that is fighting blight within the Allegheny Valley and in the Mon Valley and the Turtle Creek Valley they all every single one of these communities have these sorts of regulated rental Ordinances. Penn Hills is just catching up to the times by enacting one. Millvale has one, Etna has one, Sharpsburg has one, Blain has one they all have them.

Shawn Leeds – how many people are in Etna? Twenty-five hundred people?

Solicitor Alexander – I don't know how many.

Shawn Leeds – How many people are there in Penn Hills, 45,000?

Solicitor Alexander – Mr. Leeds what I am saying to you if you have these units in other communities you have faced these regulated rental Ordinances they are a tool.

Shawn Leeds – I have 500 units in New Castle, New Castle is a blighted area the only thing we have is the DA saying to us please help us, buy more stuff.

Solicitor Alexander – I can tell you this I don't do a whole lot in that area but I do know that New Castle was enacting in one of these regulated rental Ordinances and litigation commenced and that is why that one stopped. The firm is out of downtown Pittsburgh and they went around challenging many of these regulated rental Ordinances that were defective but the ones that aren't defective aren't getting challenged and the

Commonwealth Court has already ruled on the legality of these types of regulated rental Ordinances such as Penn Hills just enacted and every regulation in there has been deemed to be valid by the Commonwealth Court and most recently the Common Pleas Court in Westmoreland County also upheld this very same or similar Ordinance that Penn Hills enacted so New Castle I will agree with you because I am familiar with the litigation that was going on up there and there is a lot of blight up there but almost every other community has one of these.

Mayor DeLuca – it is a shame that good landlords are getting hit by it but we can't just pick and choose you have to go across the board with all the landlords.

Shawn Leeds – I still don't understand why you have to pass something like this to go after people who are breaking the law.

Mayor DeLuca – it is just another tool to help Penn Hills fight blight.

Shawn Leeds – I still don't see what you are going to accomplish differently than what we accomplished today before this Ordinance was passed what more can you accomplish. How does this Ordinance say that you are now able to fight crime, in what way? What does it do?

Mayor DeLuca - not just crime, it now requires the building manager they have to let Penn Hills know who the building manager is; they have to live within fifteen miles.

Shawn Leeds – they have to live within fifteen miles of the manager?

Solicitor Alexander – no if the owner of the property is an absentee landlord if he lives in excess of 15 miles from their property then they have to appoint a local manager. Somebody that lives within 15 miles of the property. A lot of these people buy up properties and we don't where they are they could be in another country and we don't know who they are.

Shawn Leeds – o.k. so again you could deal with those people on an individual basis.

Solicitor Alexander – we can't. Mr. Leeds we cannot deal with those people individually, we have to deal with them collectively. Speed limits belong to everybody not just to the people that speed. These help us regulate the people that are breaking the law but unfortunately we have to apply it universally to all the people and I can tell you it is a valid Ordinance. I do not know about whether the subsidize houses lets you pass it on to your tenants, I don't know that but I do know that it is valid but we would be willing to look into that if you get me that information and get me that number. I would be able to look into it but we can go on and on all night here whether it is good or whether it is fair, good landlord vs. bad landlord we are not going to get anywhere on

that right now. We are willing to take under consideration your points but I want you to give me the one on the subsidized housing so I can look into it personally. Thank you.

Mayor DeLuca - can you get him that information?

Shawn Leeds – yes I will drop it off tomorrow.

Member in audience (inaudible did not come up to microphone).

Mayor DeLuca – prosecution.

Solicitor Alexander – There are penalty provisions in the Ordinance for failure to comply.

Shawn Leeds – what about the tenant not signing it? So you are going to take the landlord to court for a tenant not signing it?

Solicitor Alexander – absolutely that is the whole point. We want quality tenants in Penn Hills, tenants that will abide by the rules and regulations that Penn Hills puts into effect. Absolutely.

MINUTES

Mr. Underwood made a motion to approve the **May 4, 2015 Minutes**.

Mr. Palumbo seconded the motion.

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

EXPENDITURES

Dr. Kincaid made a motion to approve the Expenditures of June 15, 2015, Journal Vouchers 9, \$2,541,800.87, CD Requisitions 5, \$6,378.32 Checks 31240 – 31367, \$590,073.26 making a Grand Total of \$3,138,252.45. Expenditures of May 18, 2015 – Journal Vouchers 0, \$0.00 CD Requisitions 2, \$6,051.00, Checks 31011 – 31134, \$809,856.20 making a Grand Total of \$815,907.20 and Expenditures of June 1, 2015, Journal Vouchers \$0, \$0.00, CD Requisitions 10, \$5,556.77, Checks 31135 – 31239 - \$789,363.86 making a Grand Total of \$794,920.63.

Mr. Underwood seconded the motion.

Mrs. Kuhn – on the June 15, 2015 Expenditures on Page 12, Check No. 31254 Moe I noticed that is a Visa Credit Card.

Mayor DeLuca – yes I was going to ask the same question. If they are handing the receipts in for that?

Moe Rayan – prior to the department going out and utilizing the Visa Card they have to contact the Finance Department to set up the actual estimated cost before they go out and spend it. For example if the road department wants \$200 worth of something they will set it up and they will come and get the card and it is only authorized for that \$200.00 and the receipt comes back to the department director who reviews it authorizing the requisition for payment.

Mrs. Kuhn – o.k. Moe because unfortunately there are some Government people that their employees take advantage of that and I wanted to know what we had for security purposes so that we don't have people using these Visa Cards and there is no way of finding out if they are actually buying something for The Municipality and to the extent if some use it, buy it and then go back the next day and exchange it and get the money back. So I just wanted to make sure that somehow or another there is a watch system on this so this does not happen with our Visa.

Moe Rayan – it has even been in place before we had the Visa Card we had the Home Depot and again the Department Director authorizes the purchase based on pre-authorization from the Finance Department. They put it in the system that they can't use more than what is estimated. Then the receipt comes back and it is attached to the requisition and subsequently transferred to a P.O. for payment.

Mrs. Kuhn – Now Moe who has the card?

Moe Rayan – I don't. The Finance Department has them.

Mrs. Kuhn – If I am not mistaken we passed something a few years back.

Mayor DeLuca – yes the Finance Department is supposed to have all the cards.

Moe Rayan – yes the Finance Department and the Department Heads request those cards and are distributed for whatever particular purchases.

Mrs. Kuhn – because I know at one time if I am not mistaken there were some Directors that had them and we changed that system and now the Visa Cards are in the Finance Department.

Moe Rayan – that was probably in 2004 and 2005, yes.

Mrs. Kuhn – thank you Moe.

Moe Rayan – you are welcome.

Mrs. Kuhn – On the Expenditure of May 18, 2015 I abstain on Check No. 31048 and 31099 to Don Kuhn Auto Body total of \$885.00 and yes on all the others.

There being no further discussion the motions were approved by a 5-0 vote.

ORDINANCES

Mr. Underwood made a motion to approve **Ordinance No. 2015-2576** accepting The Thompson Run Industrial Park Sanitary Sewers, in The Vicinity of 450 Thompson Run Road, constructed as a Municipal Sanitary Sewer to be maintained hereafter as part of The Public Sanitary Sewer System of The Municipality.

Dr. Kincaid seconded the motion.

Mrs. Kuhn – reading the memo I did see that Thompson Run Industrial Park had been approved by the Planning Commission in 2013 and at that time the sewers were not at that location, am I correct?

Moe Rayan – yes.

Mrs. Kuhn – and so they installed an eight inch sewer line, correct?

Moe Rayan – that is correct.

Mrs. Kuhn – and I do notice that in the Ordinance itself it says that the sewer line has been inspected by The Municipality and everything is to our standards, is that correct?

Moe Rayan – that is correct.

Mrs. Kuhn – thank you.

Mayor DeLuca – and Rick the manhole in between each point is that the required distance because I remember so many feet we have to have manholes.

Rick Minsterman – 400 feet is the maximum distance so that is well within that.

Mayor DeLuca – o.k. thanks.

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

RESOLUTIONS

Mr. Palumbo made a motion to approve **Resolution No. 2015-029** – ratifying the action of The Municipal Manager of entering into a Sales Agreement with The Penn Hills School District for the purchase of Real Property.

Dr. Kincaid seconded the motion.

Andrea Getsy – I presume that this is in regard to The Duff School, is that what it is?

Mayor DeLuca – yes on Duff Road.

Andrea Getsy – well then to Mrs. Kuhn's challenge to find something that doesn't need to be spent in order to use it for roads I say this is the one. This is where we could use the money on our roads instead of building a new building. Thank you.

Ed Zullo – 113 Elizabeth Drive – I would just caution you when using that property to make sure that you check for mine subsidence because if you would look at an old article in the paper just kind of Google Duff Road Mine Subsidence houses in that area in the 80's were collapsing and the government went in there and grouted up the mines so in your cost estimate you should have a geo technical investigation and see how much more it would cost to have it grouted underneath there to make it a suitable site. Thank you.

Mayor DeLuca - thanks Ed.

Mrs. Kuhn – I first want to say that unfortunately there has been some comments from public regarding the sale of this to The Municipality and the school board has taken quite a hit from it and I just want to say that The Municipality in no way, shape or form would want to take advantage of the school district. We are both governing bodies of the Municipality of Penn Hills and we know that the school district is struggling right now and we are very concerned for that. As the school district goes so does your community so we wish them all the best and I know that in the very beginning we had asked of receiving this for \$1 and at the meeting that we had with the school board I stated that I agree with the school board that they should be fighting to get some money if it was reversed and it was my board I would be fighting also. So we started at a \$1 and they started at \$500,000.00. The reason we came in at the \$250,000.00 which as far as I am concerned a quarter of a million dollars is a good amount of money and the reason for that is because of the fact before we do anything we do our research and we had an estimate on what it would cost to demolish that building and that time if I am not mistaken the estimate was anywhere from \$150,000 to \$200,000. That was projected money not real money. So then we reviewed the site and we had a person come in and tell us what it would cost. The actual cost of real money to have that demolished and it came in at anywhere from \$300,000 to \$400,000 so it was a great deal more than what

we had anticipated so we then in fact stayed at the \$250,000 and that is why we could not go any further but like I said \$250,000 is a quarter of a million dollars and I don't think that they would have gotten what the public is thinking they would be cause of the buildings condition but that was up to the school district and so that is why we did that. And as far as Mrs. Getsy's comment on this I think I addressed this before. We at this Council have taken the Municipality from \$55,000 to where we are today and it took a great deal of work time and struggle. Because we have some extra money Mayor & Council isn't saying oh lets go out and build a new building. That is not what we are doing. This building as I stated and especially Crescent Hills and CDC Code Enforcement is the biggest problem that you had and the biggest problem that was given to me throughout the last three years. Code Enforcement violations well this building has more Code Enforcement violations than any other building in the Municipality. I cannot enforce Code Enforcement on other buildings, other homes, other real estate in this Municipality if in fact I am sitting in a building that has so many Code Enforcement violations and number two we get a great deal of money from HUD. There is a great deal of money that is spent through this Municipality through HUD and am I right Manager HUD has told us that we are in very serious problems with our funding if this building isn't brought up to Code or a new building put into place.

Moe Rayan – actually it is on the Agenda today Mrs. Kuhn the Voluntary Compliance Agreement between us and HUD just for all the accessibilities within our Municipal facilities starting with this building here, yes and you can see this door here automated push buttons were done just to get started. It is not that we are ignoring any code issues some of that stuff that was grandfathered in but we are at the point right now that the Federal Government isn't buying it and any time that we touch this building to even change the tile they want us to comply with bigger and more expensive items.

Mrs. Kuhn – if I am not mistaken we have through work we have had people come in and tell us what the cost would be for the roof for the windows for the foundation for everything else and to do all that we would only be slightly less than it would be to build a new building.

Moe Rayan – pretty much. Percentage wise, yes. Constructing a new facility we are looking at about \$11 million of course that is not set in stone. To renovate it is about \$8 million again that is not set in stone. Talking about mine subsidence Ed I don't where he is he took off mine subsidence we have settlement on this side of the building, new windows throughout the building, a whole new roof, asbestos in the floor anytime that we touch that stuff we have to comply that is why it looks the way it looks and we can't touch it. New windows are very costly, new roof is very costly, most of you people put roofs on your houses you know 100 – 200 sq. ft. will cost you \$15,000.00 if you look upstairs it will cost half a million dollars just for that. All of these windows, the only place that got new carpeting is the Council Chambers everywhere else needs new carpeting, new drywall, new plaster, new tile, insulation you don't have any insulation these are all concrete walls, the boiler running twenty four hours a day in the wintertime no stoppage.

I can go on and on and on. The jail cells are leaking. Manager's office has water in it. It is all over the building and we are not saying something that you aren't seeing.

Mayor DeLuca – the biggest question for this Council is do we sink that type of money into repairs because we talked about around \$5 million dollars just for the repairs to renovate the building is around \$8 million dollars and that is the biggest question for this Mayor & Council do you do those repairs and hopefully can we get another ten years on that five million dollars or are we going to end up with more problems two or three years down the road. Like Moe said we do have settlement on the other side, the other thing is with the police department not only with the jail cells but securing that side of the building because right now just coming into the building you can get into the police.

Moe Rayan – we have criminals walking amongst the employees and the public. The civilians do not need to be interacting with criminals coming into the building.

Mayor DeLuca - and Sara was saying compliance for even a parking lot we are not complying for this size of a building we would have to build a parking garage which would be around \$1 million dollars off to the side here just so we have enough parking spaces for this size building. I would prefer not to spend it but we can't neglect the municipal building forever, we have to make a choice here either build new or sink that type of money into this building.

Mrs. Kuhn – Mr. Mayor one other things too when we came on Council the previous administrations where they would take loans they would not take care of this they would not take care of that and their comment was well we won't be here when it takes place so we will let the other administration

Mayor DeLuca – just to give you a good example. The Multi-Purpose Center it is on Lincoln Road we have been sinking money into that because that building was never touched and it was let go and we just have to keep putting money into that you can't let these buildings go and that is what happed prior administration just let these buildings go and now we have to do something with them.

Mrs. Kuhn – and like what the Manager has stated all this information Mayor & Council has received so it is not like we are just spending this money because we think we have some balance here and let's just go out and spend the money. We looked at this, we checked all the figures and the choice is one or the other and as I stated maybe we could do it for the \$8 million but that would last ten years maybe twelve years and then the next people who come in here, I won't be here in ten years or twelve years then they are going to have to pick it up and they will say well why did the administration in 2015 waste the \$8 million dollars on a building that is structurally not safe.

Moe Rayan – the one side of the building is 1939 and the other side was 1954.

Jim Getsy – 151 Crescent Hills Road – in regarding your comments about HUD as you probably know I worked for HUD for 37 years. You implied that HUD has had some requirements that you have to make some specific improvements to this building. Do you have any written correspondence from HUD directing you to make any specific improvements?

Moe Rayan – sure – we have a deficiency report what they call the deficiencies that needed to be addressed and the only way that we were able to negotiate some of those items after they came out you probably know Mr. Jansen at Corporate I am not sure if you do or not the agreement here issued by HUD you will see it in the next two or three Resolutions. It was at least 100 & some pages but it is not less than 80 or 90 pages worth of deficiencies that they call the deficiencies however some of it wasn't feasible like putting a whole new elevator in the McKinley Center they finally decided after we sat down and renegotiated the agreement about a month ago they came to the conclusion that some of the items that they were forcing us to do were not feasible however we agreed upon providing a 10% of the HUD money that is coming into Penn Hills to go towards these improvements or compliance with the Federal Regulations. We spend that much out of the \$600,000 we receive we put at least \$60 or \$70 thousand dollars into all of these facilities to comply. The Lincoln Park Community Center, the bathrooms have to comply and McKinley we are doing an alarm system that was part of it so we are spending the money however they want it in writing because that was the only way that they were able to satisfy Washington, D.C. that we are complying is to enter into the VCA but those items are being completed without us entering into that agreement but they can't close it.

Jim Getsy – my recollection from working is that HUD or any facility that is being funded by HUD they want compliance with regulations regarding handicapped.

Moe Rayan – civil rights, yes.

Jim Getsy – o.k. now I am asking specifically for this building, is there anything that says you must do something with this building?

Moe Rayan – they aren't going to tell you to change the roof, we had to put that door because it was $\frac{3}{4}$ of an inch higher than the anticipated threshold for a wheelchair we had to put the push buttons over there to accommodate the wheelchair entrance to the building. They wanted to change this bathroom down here and it wasn't feasible. We were told what to do. They aren't telling us to remove the asbestos because it is not disturbed but the sidewalk needs to be re-graded.

Jim Getsy – what I have a question about is under regulations, no funds were to be spent on any building that dealt with municipal business like town hall, city halls

Moe Rayan – that is correct yes that is why it is all tied into accessibilities. The ADA.

Jim Getsy – what I am trying to get to are they compelling you to do that or are they recommending that you do that?

Mayor DeLuca - no they are telling us that they are going to withhold our CDBG money.

Jim Getsy – o.k. well I still have a question on whether they can do that to compel you and the Municipal Building to make those improvements. If they are compelling you they would have it in writing.

Mayor DeLuca – it is in this agreement.

Moe Rayan – it is in the agreement.

Mayor DeLuca – on the police side they are talking about handicapped parking and then

Moe Rayan – we have to regrade the parking lot to accommodate that and the sidewalks are ¼ inch off.

Jim Getsy – can I get a copy of that agreement?

Moe Rayan – it is in the agenda.

Mrs. Kuhn – the other comment too is if history teaches us anything we were informed years and years ago about our sewer problems and nothing was done with them and you know what happened with that. So this building has to have the repairs done and like I said we can either vote to do the repairs or we can vote for a new building. And that is the bottom line.

Moe Rayan – we have been around with HUD since 2012 Mr. Getsy as going back and forth with the items actually they were reduced like I said I had to hold the book upstairs.

Mayor DeLuca – and actually like our CDBG normally we will pass that like in February and then we will get our funding I think it was in March or April and that is what we are passing.

Moe Rayan – flat out right we were told we would not receive funding this year if we didn't sign this agreement.

Mayor DeLuca – when the Federal Government say voluntary they want you to
(Inaudible from audience)

Mrs. Getsy – can I ask if there is in writing the estimate for the repair of this building anywhere. Is there an estimate? You talk about it that it might be \$8 million but is there something we can see?

Moe Rayan – yes I have it all here.

Mrs. Getsy – can I have a copy.

Moe Rayan – yes. Moe gave Mrs. Getsy a copy that she wanted.

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

Dr. Kincaid made a motion to approve **Resolution 2015-030** - appointing The Municipal Manager as The Plan Administrator for The Non-Police Employees Pension Fund and The Police Pension Fund.

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 2015-031** - authorizing The Proper Municipal Official to enter into an Agreement with Hoffman's Boarding Kennels for Animal Control Services for a Two-year Period.

Dr. Kincaid seconded the motion.

Mayor DeLuca – by the way the cost remains the same as the prior contract the only thing that is different we now will be charged \$40.00 for emergency calls on Holidays and Saturdays and Sundays instead of \$30.00.

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

Mr. Palumbo made a motion to approve **Resolution 2015-032** - authorizing The Submittal of a Voluntary Compliance Agreement to The Department of Housing and Urban Development.

Mr. Underwood seconded the motion.

Mayor DeLuca – when we were working with HUD they wanted to make it mandatory but we pushed for voluntary.

Mayor DeLuca – actually to close an item that was what was explained to us to close an item or even if we complied they told us it has to be in some type of Voluntary

Compliance Agreement. We argued that is it like a Consent Order, Consent Decree from the Federal Government, they did not want to hear us they told us that is how they close items.

Jim Getsy – I am going to take a look at this but I also would like to tell you that if I feel that I don't understand any part of this I am going to call somebody at HUD and go down and talk with them to get an understanding of what this says because just a couple of things I see here make me question what you felt in order for HUD to do these things and in my experience I don't think in terms of the Municipal Building they can force you into any kinds of compliances especially where things are unreasonable or impossible to do but I want to clarify this agreement.

Moe Rayan – we argued those points Mr. Getsy what they told us anytime that you are receiving Federal monies and it is being utilized by the public that is getting the monies even though we have sub percipients they would still have to comply like the Lincoln Park Community Center those are considered sub percipients they have to comply as well so that is what we were told and here we have in the building is being used by all kinds and types of people, public, non-public so we were told we had to comply.

Jim Getsey – as far as the sub percipients go I understand that and I agree with that. As far as this particular building and you mentioned the code violations and what needs to be done and in my

Moe Rayan – it has nothing to do with the Code sir they didn't tell us anything about the Code.

Jim Getsy – I just want to make sure.

Moe Rayan – this building had to comply like the fixtures underneath the sink the hot water and the cold water and the insulation and stuff like that, the mirrors had to be dropped down, the sidewalks need to be removed and regraded to comply with the wheelchair requirements, that door and the threshold had to be changed, the push buttons for the wheel chair accessibility had to be changed so those types of things that we were told to do they didn't tell us that we had to do anything in terms of the Code.

Jim Getsy – that is exactly what I want.

Moe Rayan – this building fell under and you can see the items I mean regarding the parking lot is \$80,000 right there it is not an easy task switching the men's and woman's bathroom here on the first floor they wanted to make it a unisex bathroom that is another \$100,000 to do something like that. We argued that the one upstairs is an accessibility the ADA comply bathroom that we have because the elevator is going upstairs so we argued some of these points but it was all ADA requirements.

Jim Getsy – I am going to check for my own purposes.

Moe Rayan – that is fine.

Mrs. Kuhn – Moe we did not say that HUD had said that we have to put a roof on.

Moe Rayan – no I mentioned that earlier. No. It was all ADA. It was all ADA items.

Mrs. Kuhn – but they did state that if we didn't do what they are requiring us to do then we would have a problem with receiving the funding. So we are at the decision of do we start putting money into this building and then down the road have to put the roof on do the walls and what have you. So that is our dilemma. But HUD has never told us that we have to do the walls.

Moe Rayan – no. Those other issues have nothing to do with it.

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

Dr. Kincaid made a motion to approve **Resolution 2015-033** - authorizing the submittal of The Analysis of Impediments to Fair Housing to The Department of Housing and Urban Development.

Mr. Palumbo seconded the motion.

Mrs. Kuhn – Mayor I just want you to know that I stayed up all night last night and read this.

Mayor DeLuca - I just read the executive summary.

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

Mr. Underwood made a motion to approve **Resolution 2015-034** - awarding a Contract to Merit Electrical Group, Inc. for the McKinley Senior Center Fire Alarm Installation for a Total Cost of \$33,795.00.

Dr. Kincaid 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 2015-035** - awarding A Contract to Miele & Miele & Sons, Inc. for The 2015 Penn Hills Capital Road Program.

Dr. Kincaid seconded the motion.

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

Dr. Kincaid made a motion to approve **Resolution 2015-036** - awarding a Contract to HC Global for The Up Fit of Four 2015 Police Vehicles at A Total Cost of \$15,734.72.

Mr. Underwood seconded the motion.

Mrs. Kuhn – Moe this means that our repair bills are again going to becoming down.

Moe Rayan – I hope so.

Mrs. Kuhn – we keep bringing newer vehicles in that should help us with our repairs.

Moe Rayan - it has been.

Mrs. Kuhn – I noticed on our expenditures that they have been coming down.

Moe Rayan – again those vehicles are one year old and have 50,000 – 60,000 miles and are driven twenty-four hours a day we do rotate them but that is a lot of use.

Mayor DeLuca – Moe how are the trucks holding up?

Moe Rayan – very good – the K-9 trucks and the SUVs holding up pretty good so far.

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

Mr. Underwood made a motion to approve **Resolution 2015-037** – approved The Community Consolidate Plan for the 2015-2019, Action Plan for 2015, and The Home Program.

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. 2015-038** - in support of The Proposed Activity of World Changers and the work they are performing in Penn Hills.

Mr. Palumbo seconded the motion.

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

REPORTS

Mrs. Kuhn – I was contacted by Rhoda Harper she told me she also spoke to you Mayor and she is working very hard on awareness and strength in the Community and she is working with Mothers For Voice and what they are doing they are trying to get the young people and the families involved and making a difference in giving these young people information and help when needed so our young people aren't continually in these problem situations that they are in. They are going to have a rally on September 12, 2015 at the YMCA at 12:00 Noon and she said that she would give me some literature so that I can place it in the Council Chambers so that anyone who would be interested I think it would be a wonderful thing to do because of the fact is with our Code Enforcement, our roads and all the concerns that we have we also have a problem with our youth and we did to do everything we can to resolve that also. She said she would give me further information.

Mayor DeLuca – yes put them here and also the Library.

Mayor DeLuca – We will go into an Executive Session to discuss Personnel Matters.

AJOURNMENT

Mayor DeLuca entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

The meeting was adjourned at 9:51 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY

