

JANUARY 19, 2016 COUNCIL MEETING MINUTES

The January 19, 2016 Council Meeting was called to order at 7:39 P.M. in the Council Chambers at the Municipal Building.

APPROVAL OF AGENDA ITEMS

Mayor Kuhn – Good evening I am going to call the meeting to order we are going to amend the Agenda under Appointments our Zoning Hearing Board Appointments are going to be taken off tonight because they require a Resolution so we will have to have a Resolution made up for them for the next meeting before we can do those Appointments. Other than that the Agenda will stand as is. If we could all stand for the Pledge of Allegiance?

ROLL CALL

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

Also present were Manager Rayan, Purchasing Secretary Scaglione, Planning Director Blackwell, Engineer Minsterman, Solicitor Dice, Water Pollution Control Director O’Grady and Finance Director Schrecengost.

MOTION

Mayor Kuhn – first on the Agenda I will call for a Motion for Appointments for the Planning Commission. Tonight I am asking for a Motion to appoint Ron Sapp he has served on the Planning Commission and his term had expired in 2015 so I ask a Motion to reappoint Ron for a four year term.

Mr. Underwood made a motion to reappoint Mr. Ron Sapp for a four year term.

Dr. Kincaid seconded the motion.

Mayor Kuhn – It is my privilege Ron to appoint you again to the Planning Commission. I know you personally and I know your dedication to Penn Hills. I thank you for your service and I appreciate the fact that you have agreed to once again serve for four years, so thank you.

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

Mayor Kuhn – as I said we removed the Zoning Hearing Board Appointments and I do have an Appointment for the Penn Hills Arts Council. The person that I am asking for approval I had received a wonderful resume from her and I spoke to her today and I was very pleased with her concern and her qualification as everyone knows I am a firm supporter of our Arts because all too often our Arts are the first thing that are cut and so I appreciated the fact that the Manager did put the Arts back into our Budget and I would like to appoint Catherine Meara for the Penn Hills Arts Council. Do I have a motion?

Dr. Kincaid made a motion to approve Catherine Meara for the Penn Hills Arts Council.

Mr. Underwood seconded the motion.

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

Mayor Kuhn – again I thank everyone for sending in their resumes and being so concerned for their Community that they are willing to give their time and attention on these boards so I thank you very much and we will hopefully making other ones at the next meeting.

Chris Blackwell – excuse me Sara I also had an appointment if you don't mind for Tom Stock for the Planning Commission.

Mayor Kuhn – I had him on here and the only reason I had called Mr. Stock and I left a message with a person on his number and asked him to return my call and I would have put him up but I didn't hear from him personally Chris and I wasn't sure, have you heard from him that he is interested in being reappointed?

Chris Blackwell – no I haven't I apologize.

Mayor Kuhn – I am hoping that he will but until I hear from him I just didn't put him on, but thanks Chris.

APPROVAL OF MINUTES

Mayor Kuhn – next we have Approval of Minutes for the December 21, 2015 Council Meeting Minutes, December 21, 2015 2nd Budget Hearing Meeting Minutes, December 31, 2015 Special Meeting/Budget Adoption Minutes and January 4, 2016 Re-Organization Meeting Minutes. I didn't know Bruce can we approve all of them at once or should we do them individually.

Mr. Bruce Dice – I would do them individually.

Mayor Kuhn – that is fine.

Mayor Kuhn – do I have a motion for approval of the December 21, 2015 Council Meeting Minutes.

Mr. Underwood – made a motion to approve the December 21, 2015 Council Meeting Minutes.

Mr. Palumbo seconded the motion.

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

Mayor Kuhn – may I have a motion for the December 21, 2015 2nd Budget Hearing Minutes.

Dr. Kincaid – made a motion to approve the December 21, 2015 2nd Budget Hearing Minutes.

Mr. Underwood seconded the motion.

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

Mayor Kuhn – may I have a motion for approval of the December 31, 2015 Special Meeting/Budget Adoption Minutes.

Mr. Underwood – made a motion to approve the minutes of December 31, 2015, Special Meeting/Budget Adoption Minutes.

Dr. Kincaid seconded the motion.

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

Mayor Kuhn – do I have a motion for approval of the January 4, 2016 Re-Organization Meeting Minutes.

Mr. Palumbo – made a motion to approve the Minutes of January 4, 2016 Re-Organization Meeting Minutes.

Mr. Underwood 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 January 19, 2016 – Journal Vouchers 0 - \$0.00, C.D. Requisitions, 5 - \$12,459.62, Master 33259 – 33314 - \$1,633,558.51. Grand Total of \$1,646,018.13.

Mr. Underwood seconded the motion.

Mrs. Getsy – My name is Andrea Getsy - I live at 151 Crescent Hills Road and I wanted to ask I saw on this list was an amount for The Design Stream Architects am I in the right place?

Mayor Kuhn – this is the expenditures do you have a page?

Mrs. Getsy - I am looking, I lost it.

Mayor Kuhn – that is alright take your time.

Mrs. Getsy – Page three and it is for \$43,106.25 is this the entire amount that is being paid to Design Stream for the design of the new building, is that what this is?

Moe Rayan – these are progress statements each category is phased for the design phase and to date these are the Expenditures. That is not the whole thing for the building.

Mrs. Getsy – do you know what the whole thing for the building will be?

Moe Rayan – depending upon the final price for the building it is a percentage. It is a pre-determined percent that was approved by Mayor & Council I believe back in August.

Mrs. Getsy – is this the first time you made payment to them.

Moe Rayan – second I believe.

Mrs. Getsy – same amount last time.

Moe Rayan – no.

Mrs. Getsy – alright, thank you.

Moe Rayan – you are welcome.

Janice O'Donell – 140 Crescent Hills Road – I am curious is there a maximum that you are going to be paying the design group?

Mayor Kuhn – you can correct me if I am wrong but I believe as was done with the Library when you have an Architect they charge you a percentage of the price of the building so the amount would depend on the cost of the building.

Janice O'Donell – I understand that but that is the Contract that you agreed to what I am saying is is there a maximum dollar amount that you have designated for their services for the design work?

Moe Rayan – 4-1/2% of the amount of the building. We agreed on percentages of 4-1/2% on the design of the construction cost so if the construction cost is Ten Million Dollars it would be 4-1/2%.

Janice O'Donell – So you have not designated a cap on what you will be paying them for their fees a dollar value for the cap.

Moe Rayan – the cap is based on the cost of the construction.

Janice O'Donell – right I understand that.

Moe Rayan – 4-1/2% so if the building is Ten Million Dollars it would be 4-1/2%, if the building is Eleven Million Dollars it would be 4-1/2%, if the building is Nine Million Dollars it is 4-1/2%.

Janice O'Donell – I understand that that was all my question was is there a dollar cap for their fees but apparently there is not.

Moe Rayan – there is a dollar cap based on the cost of the building and the building right now is predicted to exceed between \$10 and \$11 million dollars, so that would be the cap 4-1/2% of that.

Janice O'Donell – o.k. thank you.

Dr. Kincaid – just directed to the Manager if there is any word or progress report in regards on page three this is our street lights I haven't been following what the progress is the check number is 11107 but I am not so concerned about that or the amount my real query is where are we in regards to street lighting in Penn Hills.

Moe Rayan – I am not sure that I understand the question we pay a monthly cost for street lights to Duquesne Light and in December to January I believe that was \$47,000.00. We get billed just like your home and mine.

Dr. Kincaid – and I guess I am also asking are there any new street lights to be constructed. Or is this the end of it?

Moe Rayan – actually we haven't done any new installation normally when we get a request we pass that request onto our government representative at Duquesne Light and then they review it and they give us recommendations whether or not there is going to be a street light installed but we haven't I can't remember the last time we had a request not too long ago we passed it onto Duquesne Light.

Dr. Kincaid – thank you Mr. Manager.

Mayor Kuhn – regarding the street lights Moe I know that when Anthony DeLuca Jr. was Mayor he was very interested in them changing the bulbs over to energy efficient so what my question was is where are we with Duquesne Light accepting to do that?

Moe Rayan – actually we did start the program with the traffic signals, intersections but it is not complete yet this program but it is a phasing type of program we are trying to receive some grants from Duquesne Light they asked for some matching funds from us and we are trying to continue with that program and eventually some day we are hoping to have all the street lights converted. I don't know when but we started last summer with the traffic signals we started with the intersections.

Mayor Kuhn – so in essence we have started the campaign so to speak?

Moe Rayan – yes.

Mayor Kuhn – and the other question is I know that we were charged by all the lights that are in the Municipality, am I correct?

Moe Rayan – well it varies from \$15 to \$30 to \$45 per street lights at times.

Mayor Kuhn - and who is in charge of checking into making sure the street lights are actually working?

Moe Rayan – no one in particular sometimes the road crew will report it, the residents they are the watch dog for us and we appreciate the folks that have a street light nearby, they report it right away which is good but we get charged twelve hours a day if it is working or not but it is not being monitored we don't have somebody that drives around it is just kind of word of mouth and we rely on the residents about the street lights in front of their homes.

Mayor Kuhn – the only reason is because of the fact as what you had stated we pay for them whether they are working or not. So I was wondering if perhaps we could

put a memo out to our Police Officers and Public Works really aren't out in the night time unless it is their street cleaning but if we could ask our Police Officers if during their patrols in the evening if they see any lights that are not actually lit if they could make a notation and give that to the Manager's office so we could call Duquesne light because I know myself and I have to be more diligent also when I go through the Municipality I do notice that some of the lights aren't lit and if maybe we could put it on our website for the residents if they know of any that aren't if they could just call the Manager's office and simply tell them the location so that we aren't paying for something we aren't receiving.

Moe Rayan – we can do that certainly and actually to answer your question we did receive a service request from Police Officers when they came upon street lights that weren't working.

Mayor Kuhn – I certainly do appreciate that. And the only other question I have is on page four Moe Check #33293 to Fayette Parts. Now I know I believe we are voting on a contract for them tonight correct and I know it had expired a few months back.

Moe Rayan – we requested an extension per their contract and they agreed to it. Their letter came either yesterday or today agreeing to that.

Mayor Kuhn – o.k. so we will be voting on not a new contract but extending the existing one that we have with them.

Moe Rayan – correct, we have to do a Resolution for formal approval by Mayor and Council.

Mayor Kuhn – o.k.

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

RESOLUTIONS

Mr. Palumbo made a motion to approve **Resolution No. 2016 - 001** – awarding a Three year Contract to Environmental Service Laboratories (ESL) for sampling and testing for NPDES permits and DMR's.

Mr. Underwood seconded the motion.

Mayor Kuhn – Moe I do see that we did have proposals from two contractors only and this is a three year contract that we do have the certified check in place for the bids and all of the requirements for the firm have been met. I do notice that there is a memo sent in there from Tom O'Grady, thank you Tom it was very informative. The current bid

represents a \$14,556.08 total cost increase over the current three year contract. It states that the majority of the increase is in the second year due to the additional water analyses required to renew the wastewater treatment plant for 2017 so even though there was an increase in the cost of this three year contract you have showed us why the increase is there and I thank you for that.

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

Dr. Kincaid made a motion to approve **Resolution No. 2016 - 002** – awarding a Contract to John Capone and Ken Rowe for The Senior Services Center Handrail Program in the Total Amount of \$10,000.00.

Mr. Underwood seconded the motion.

Mayor Kuhn – Moe as you know I am very much in favor of the Senior Handrail Program and I have asked before when I get calls from my residents who I direct them to.

Moe Rayan – The program is monitored or managed by both the Planning Department and the Senior Center Director, Chris Blackwell can handle the calls and down at the Senior Center would be Phyllis Paciulli to handle the calls as well. It is a first come first serve, we have ten thousand dollars to spend and if they get their name in and if they qualify they get the work done.

Mayor Kuhn – thank you Moe and like I said I am really a big promoter of this service and the funding for this comes under our HUD Operating Fund so it a program well needed and I know the Seniors appreciate it.

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

Mr. Underwood made a motion to approve **Resolution No. 2016 - 003** – awarding a Contract to American Industrial Contracting for The Lincoln Park Community Center Asbestos Removal in the Total Amount of \$7,200.00.

Dr. Kincaid seconded the motion.

Mayor Kuhn – I did see that we had sent out and mailed to four different contractors and only one quote had come in.

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

Mr. Underwood made a motion to approve **Resolution No. 2016 - 004** – awarding a Contract to T.C. Services for The William McKinley Fencing and Recreation Improvement Project in the Total Amount of \$57,980.00.

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. 2016 – 005** – awarding a Contract to Crystal Clean Windows, Inc., for Quarterly Window Cleaning at various Municipal Facilities for a Total Amount of \$5,460.00.

Mr. Underwood seconded the motion.

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

Mr. Underwood made a motion to approve **Resolution No. 2016 – 006** – awarding a Contract to Ace Plumbing Service, Inc., for Time and Material for Plumbing Work performed at various Municipal Owned Facilities.

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 No. 2016 – 007** - awarding a Contract to Vigliotti Landscaping & Construction, Inc., for Grass Cutting at Municipal Facilities at a Total Cost of \$70,100.48.

Dr. Kincaid seconded the motion.

Mayor Kuhn – Moe I do see the memo here that the last lawn care contractor that we had had defaulted on their two year grass cutting contract in September and I see that we are still in discussion for restitution so I was wondering where are we exactly because I am assuming the contractor had to have some type of bond, am I correct?

Moe Rayan – that is correct. Actually we are pursuing the bonding company we are in communication with them we ask for what the Municipality spent to finish the contract last year's contract and we also asked for the difference between this contract that you are going to vote on tonight and the second year contract amount from the last year's vendor. Right now we haven't heard anything we communicated with them right before the holidays and we haven't heard anything. Actually just today we received a from call from the vendor's attorney but we are not communicating with them at this point we are just working with the bonding company but we will talk to them tomorrow and find out what they are looking for.

Mayor Kuhn – I would appreciate it because of the fact that is why we have a bonding from the contracting so in case they do default in any way we are able to recoupe some of the cost that we have lost.

Moe Rayan – that is what we did we sent a letter with the breakdown for our specific cost, for equipment, labor, material that we had to spend last year and we added the difference of this contract compared to the second year contract amount from their vendor and added the two together and that is the amount we asked for to recover all of our cost and the cost for this contract.

Mayor Kuhn – o.k. that is great Moe. And hopefully they will follow through with it.

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

Dr. Kincaid made a motion to approve **Resolution No. 2016-008** – awarding a Contract to Ritenour and Sons Construction Company for the Demolition of The Penn Hebron School for a Total Cost of \$237,000.00.

Mr. Underwood seconded the motion.

Mark Lantz – Springdale Road – 84 days ago we submitted a petition to the Council to Mr. Rayan requested a meeting, a hearing about what is going on with this building and to this date we have not received a hearing date. The Home Rule Charter calls for a reasonable amount of time we believe 84 days is past being reasonable. Therefore we would like to ask you to table this motion at this point until we can air out all of these issues that we presented in our petition.

Mayor Kuhn – I have all the comments for the Alternative Plan for the Penn Hills Municipal Building and the walk through Observation Report on the Penn Hills Building here in front of me but what we are voting on here tonight is the demolition of the Penn Hebron

Mark Lantz – I understand that.

Mayor Kuhn – right I didn't interrupt you Mark and I would appreciate the same respect for me. The part in the plan here that would only be part of the demolition to the building would be the part where they are suggesting that we would be able to move the offices of the Municipality over to the Penn Hebron site. That is part of what the recommendations were regarding the proposals that they have presented to Mayor & Council for having the building half taken down and half remodeled and half rebuilt but with that being said the building at Penn Hebron could not house any people. We have which I am sure everyone in Crescent Hills as far as everyone in Penn Hills we have what is called an occupancy permit and I have had many complaints about how some

buildings are getting occupancy permits when they are not inhabitable. The property at Penn Hebron has been closed down to the point where they could not even have the voting there because of the fact that the water system has collapsed so there is no water so that is a health problem plus there is asbestos in that building so for us to have money spent on removal of that asbestos plus fixing the plumbing plus nowhere in here did it have the cost of what it would cost to move all the facilities of the Municipality over to Penn Hebron and then again the cost of moving them all back in here. So taking that into consideration that part of the observation report and what has been presented as alternative the Penn Hebron is not an alternative. So there would be no reason for us to delay the demolishing of the Penn Hebron building so I am not in favor of tabling this tonight.

Mark Lantz – I understand that but again hundreds of people have signed that petition.

Mayor Kuhn – I realize that Mark I have it right here in front of me.

Mark Lantz – they are not all from Crescent Hills they are from all over Penn Hills they want to have a hearing they want to know specifically what the costs are which we don't know how we are going to pay for this which we don't know we have a school board now which is \$30 million dollars in debt.

Mayor Kuhn – you keep bringing up the School District. The School District is its own Government and the Municipality is our own Government. You are one of the ones who were in this on the very onset when we first brought this to the attention of the citizens and we told them that this building had to be replaced and you, your architect and some of the members of the Crescent Hills Association were against that and felt that this building was not in that bad of shape when we explained to you that we did not do this on the spur of the moment that we did not say that we had some extra funding let's build a new building but that we had experts come in and give us an opinion on this building. You in turn and some of the people brought in your own experts and when you did the conclusion was in agreement with what we had stated to you so we no matter and I have all the petitions here in front of me and I carry this with me so I can show anyone who asks me that I have gone through and made notes on every single comment that was given to me as far as what your alternative plan is but Mayor & Council and all of our experts have a plan also. Are we going to listen to you, I believe it is on our Executive Session tonight to have a meeting with you, Mark what more do you want from us. We have been very open to you in every way, shape and form and when Mrs. Getsy asked about the cost about remodeling versus the cost for the new building we gave her the exact information that was given to us. We permitted you and anyone that you wanted to come up here and come through this building and the Manager spent a very long time with you doing that and then he had a meeting with you and other people which at that time Mark you were not very kind in your words and it was stated to you and shown to you at that meeting what exactly Mayor & Council had said.

Now I know you are not in favor of this and you weren't in favor of this from the beginning and I know that the information that was given out to the public was not always accurate information what we have on the Agenda tonight is a Resolution to demolish the Penn Hebron Building. That is what Mayor & Council has decided because of the condition that Penn Hebron Building is in. So that is what is on the Agenda tonight. We have a quote on the demolition and it was anywhere from \$200,000 to possibly \$450,000 am I correct so we feel very pleased that it came in to the point that it came in but that Penn Hebron Building has nothing to do with the alternative plan because the only part of your alternative plan was to move the building, the offices into Penn Hebron and I just explained to you in detail why that cannot be done.

Mark Lantz – o.k. that was a plan that was put forth by one of our people. There are other issues that they wanted to talk about. Are we going to have a hearing or not? I guess that is my question here.

Mayor Kuhn – it is my understanding the Manager told you that the meeting would be sometime in the middle to late January, am I correct?

Mark Lantz – he said and I quote “We are having a meeting with the Architects on the 19th which is today and we will schedule your meeting sometime before the end of January.

Mayor Kuhn – o.k. so today is the 19th and the end of January is the 31st so as I said to you before you made your facial expressions that we are tonight at our Executive Session determining what date between the 19th and the 31st we will have the meeting but I do not think that we have done anything that we haven't explained to you or the residents and the people on the petition.

Mark Lantz – except that there are hundreds of people that we have to get in contact with and you know we don't want you to say oh your meeting is Tuesday and tell us that on Thursday. We want to have some time.

Mayor Kuhn – then what he probably will do is suggest a date and if it is agreeable to you and the people then we will go with that date.

Mark Lantz – again I am just asking until this is all resolved that you would table the motion.

Mayor Kuhn – I don't know what the other Council Members are in favor of but I am not in favor of tabling this.

Andrea Getsy – what our concern is is the project for building a new building is going forward but the discussion is not. We thought that the discussion with you would

be real important and in fact generate ideas even for the use of the building should we be able to convince you to stay and remodel here. We know you would have a burden on your hands so we would like to give you some ideas on what could go on in that building. But we are not getting that opportunity.

Mayor Kuhn – Mrs. Getsy – I don't need to interrupt you but how can you say you are not getting that opportunity when the Manager has met with you and the Manager has met with your group of people and we have stated that we will go through this alternative plan at a meeting between January 19th and January 31st. Today is the 19th. I just told Mr. Lantz that the Manager will give you dates that you could come up and then that is when you could go over this.

Mrs. Getsy – I am explaining though why you would feel and this is disturbing news that you are moving forward. You are moving forward to build a new building but you are doing that prior to scheduling our meeting. I understand that it will be done before the end of January but you are giving this contract out tonight.

Mayor Kuhn – the contract that we are giving out tonight is to demolish a building that is not able to hold people in it. Whether the building would be built here or the building would be built on Penn Hebron we could not sell Penn Hebron in that state that it is because of the fact we would have to put tons of money into it to get it sold so that has nothing to do with the alternative plan. We are demolishing a building that is not resell able in the condition that it is in and we are not going to put hundreds of thousands of dollars into a building that has the problems that it does.

Mrs. Getsy – what we are seeing is a move in forward and if this is what your position is that has nothing to do with the new building because you wouldn't want to do anything with that building anyway. Is that your position?

Mayor Kuhn – No. The position is that we purchased the Penn Hebron Property and we purchased with the intentions of building the new building on that property because at the first meeting that we ever had we showed the possibility of building a building on this site I believe it was Mr. Lantz and we can check the minutes to make sure so I am not called a liar I believe he said that there is no way that a building at the size that we needed would fit on this property.

Mrs. Getsy – I will let Mr. Lantz respond to that because I think what he was saying was that the building that was shown to us at that October 2014 meeting was could not fit that type of building could not fit there. That is what he was saying. He would promote a different design than that building anyway. We want to have this discussion and we don't want the delay to go any further. We are running out of time particularly for the reasons that Mr. Lantz stated. We hoped that you would advertise the meeting we want the rest of the Community to hear about it, we want the rest of the Community to participate in it, we don't want it to just be us we want it to be public. So

give us time to do this but meantime you are going forward you are going forward with the project so what will be next?

Mayor Kuhn – as I said Mrs. Getsy I keep explaining to you why Penn Hebron is coming down.

Mrs. Getsy – I understand.

Mayor Kuhn – plus I have also told you that I have looked through your Alternative Plan and the Observation Plan and anyone who wants to look at my notes I would be more than happy to do so I have spent several several hours on this and the only part of this plan that has to deal with the Penn Hebron Building staying as it is not demolished was to move the offices of the Municipality, Council and everything that was involved here over to Penn Hebron and it doesn't matter how many meetings that particular request is not acceptable because of the fact there is no way we can move people into that building. So the Penn Hebron building auction is off the table. So if that is what you want me to tell you that it is not off the table. Now the other things that you have in your Alternative Plan we are more than happy to meet with you and any other resident in Penn Hills as far as what we are doing with this. We do not think that five people are going to determine we represent 42,000 to 44,000 people, 22,000 households. This has been well publicized. Everyone in Penn Hills it has been more than publicized we have had more than meetings, the Manager has been there to help you with any request that you have had. There has not been one request that you have given that the Manager has not followed through on am I correct?

Mrs. Getsy – (inaudible) until the building is done do you see my point?

Mayor Kuhn – as far as transparent I do not know how transparent this Council could be regarding this building. I am sorry that you do not agree with us and that is fine it is fine to disagree without being disagreeable. But in my opinion Mayor and Council and the Manager has done everything possible to let everyone know each step that we have taken and why we have taken the steps that we have taken. And we have opened the doors to anyone who has wanted to come through and examine the situation that this building is so I don't know what more you could possibly want except I know you want this Alternative Plan and I have gone over it in detail I have gone over it with people in my family who are builders, contractors, developers and I have gone through each and every line so when you have your meeting this will be presented and we will give you what we feel is accurate and what we feel can be done. I don't know what more you want except you wanted the meeting prior to the 19th of January well that is when the Manger presented his time plan for you and if that is not acceptable to you we apologize but that is the time that the Manager gave.

Moe Rayan – Just to bring a point up we did respond to the report, the Observation Report, we responded to every item in that report and you folks have that.

Mrs. Getsy – yes we have that but we want the discussion and we want you

Moe Rayan – yes that is fine but I just wanted to make note that you did receive my response to your observation when you walked through and we addressed every comment that you folks had to the extent that actually you didn't realize that we wanted to further explain how many phases of coming in and moving people out and moving people in and the expenses that are going to be incorporated into that it is just I am not sure I get the feeling that you are not accepting the fact that the Municipality Building cannot be constructed here that is what I am seeing. The rejection of you folks is that you are not accepting the fact that the building cannot be constructed here. We are putting administrative offices, we are putting a 54 Police Officer Complex, we are putting over 30 Paramedics and their vehicles those things those facilities cannot be constructed on this sight. We are building an EMS, a Fire, Police, and Administration Building. It is not a Finance Office, Manager's Office and the Code Office. It is a Public Safety Complex and it cannot be constructed on this site and it cannot be phased. So the building is moving and you folks need to accept that and that is the problem in at least my own opinion that I am seeing that you folks are not accepting the fact that the building is moving out of here.

Mrs. Getsy – Did we present a petition to have a discussion with you or not and you are saying don't bother us with this discussion we have made up our mind. That is what you are saying to me.

Moe Rayan – you can say whatever you want Mrs. Getsy. I am explaining to you my position and my response was in writing to you I addressed everything that you asked me for I went over some costs that you folks didn't realize and I just threw out some numbers and then we added those numbers together In my office it came to about \$2 million dollars that you didn't account for. Moving people in and moving out and bringing people back in it doesn't work that way safety egress and ingress you can't do all these things.

Mrs. Getsy – You can send us a letter or have a discussion with your Community

Moe Rayan – sure and I am saying from day one when you gave that petition to me I took it to Mayor & Council the very same weekend, o.k.

Mrs. Getsy – and we didn't hear for a long time after that.

Moe Rayan – and you didn't hear because why? We had one meeting and I cannot speak without talking to Mayor & Council, I can't respond to you without talking to Mayor & Council.

Mrs. Getsy – I think you make decisions a lot amongst yourselves many times and not without waiting a month or six weeks before you make a decision. This is three months that is the bottom line and now you are saying we have made up our mind and if you aren't going to review the information doesn't bother us.

Moe Rayan – how much the building is going to cost that has not been determined there are some numbers that are floating around that I am just going to show them to Council that I can share them with you without getting approval from Council. There is the size of the building, there is the way that the building is going to look we presented something back in October that wasn't acceptable the two story building we revised that it takes time to put these things together.

Mrs. Getsy – but meantime you are going forward so we just say wait let's talk before you can do that.

Moe Rayan – you have to have a conceptual drawing in order for us to discuss with somebody and that is what we are working on.

Mayor Kuhn – Mrs. Getsy when you say we were going forward one question that you bring up and your people bring up is cost. What is it going to cost? What is it going to cost? Well anyone that has any dealing with building knows that you cannot determine what the cost of a building is going to be until you have the plans of that building. So yes we voted for an Architect because the Architect has to give the plans for us to determine what the cost is so when your complaint and your fellow people come up here and say we don't know what the cost is well the reason you don't know what the cost is is because we don't know what the cost is and until we get a drawing of the building we won't know what the cost is so there is no way that we can give we gave an approximate cost. \$10-\$11 million dollars which is what we have said from day one. Now we also have told our Architect, I don't care what the Director's come in and say what they want we are standing at the \$10 million in the top \$11 million dollars. We are putting in the basis and once that is taken care of and then with previous Administrations if they have the money to add the other things that others want in there that will be up to them but we are standing at the \$10 million very top \$11 million but we are pushing for the \$10 million which is what we said from the very onset but until we get drawings of a building there is no way we can give an exact figure because we do not know it. That is how you do a building. You get the plans you give them out and they come in with estimates and as they come in with estimates then you add up the cost and then that is what is determined how much the building is. So as far as saying we don't know what the cost is we are residents we want to know what the cost is as soon as we know what the cost is Mrs. Getsy our residents will know and you know we have given you every bit of information that this Mayor and Council has had. We have given it to the Public and we have given it to your organization. I have always asked for the residents to come forward and give me information because they might give me information that I might not of thought of and that is what I like and that is why I went

through this but that being said Mrs. Getsy I also would appreciate when we give our answers back to the residents that they appreciate that they are given the answers. They might not be the answers that they want to hear but they are given the answers and to say that we are not transparent is a very unfair comment to make. You have all the information that this Mayor & Council has but to say that we made determinations amongst ourselves is a very reckless untrue statement to make. I do not talk to my Council people except at these meetings. We don't discuss how we are going to vote, how we are not going to vote and that is a very reckless, harmful comment to make at a public meeting because it makes the people believe that Mayor & Council are doing things behind closed doors and not in front of the public and that is one thing that this Administration will not do and the prior Administration never did. We give you the information Mrs. Getsy, your problem is you don't like the information that you get and the other problem is is you don't think you get the information quick enough.

Mrs. Getsy – I will tell you that I have gone to a lot of meetings over the years. What is lacking at these meetings is conversation amongst all of you so that the audience never gets to hear anything more than a vote taken and people voting on it. You can look through the minutes for years you can go back for years very very little discussion among you all that leads you to believe that where is the decision making going on.

Mayor Kuhn – I don't know Mrs. Getsy I have to disagree with you 100% if you pull any minutes out and you will see that Mrs. Kuhn is in every paragraph on everything that we have ever talked about. I do disagree with you that no one would be able to say that Mrs. Kuhn does not give discussion.

Mrs. Getsy – yes you do but a discussion I think you give more of a monologue and a discussion is whenever the folks also say something I don't mean to be a smart aleck whenever everybody else can put their two sense worth in and when they say and this is what I think about this instead there is nothing more than votes taken all the time And so that is where I am coming from. I never see any opposition on anything; I never see any indebt discussion. I want to see more of that and that is where the transparency is. So we wait to hear from you on the date of this meeting and we want to have it published so people will come. You know in the end we will be satisfied with knowing that we have given you the best we can in our ideas and in our support. We don't want undermining we know that you have a big problem here and we know that you have put a lot of thought into it we just want input. We want input in several ways so we wanted to make such an idea present at this special hearing so we will do it then. Thank you very much.

Gerard Ingold – 712 Fifth Street – Good evening I have several more technical type questions regarding the contract with Ritenour and the process for the demolitions specifically the asbestos abatement how will that piece of the process be handled is that the responsibility of Ritenour or is that in the Scope of Work with contract or is there

another organization that would handle the asbestos abatement for the school structure?

Moe Rayan – Ritenour is the proposed contractor he is going to be handling the whole scope of work, demolition, removal of asbestos, proper removal of asbestos, and that is DEP permits and so on. Allegheny County Health Department is involved on all of that.

Gerard Ingold – at the completion of the asbestos abatement will there be a follow up or a final test for presence of asbestos so that possibly objective evidence will be given to the Municipality in the form of compliance with State and Federal Asbestos Guidelines prior to the onset of the demolition so there is certainty that

Moe Rayan – It is a whole permitting processing that goes through the Allegheny County Health Department and the Department of Environment Protection the contractor will apply for a permit receive the permit start the contract have periodic inspections by the Health Department inspection of our Municipal Engineer and at the completion of the removal the disposal of it the approved site by the DEP the certificate of custody and the final disposal of the material and we would receive a certificate of disposal.

Gerard Ingold – thank you very much.

Moe Rayan – you are welcome.

Ron Sapp – 141 Golden Gate Drive – I just wanted to make one quick comment. I am looking at the proposal or the award of this contractor and the price and I just wanted to congratulate you because I have been in the construction field for a long time and the price that you actually got this down to is excellent and I suggest that you move with this very quickly because if you delay I will tell you that the cost of construction goes up very quickly and with asbestos also included in this price it is amazing that you are able to do this and I am looking and I haven't been to too many of the Council Meetings but I am listening to some of the issues and it seems like there are two different issues right here. You are going to get some opposition of people who don't want you to build the Public Safety Building and there are people who want you to build the Public Safety Building. In Penn Hills we want to move up we don't want to stay still and I am proud of the job that you are doing and suggest that you move on with this Resolution so we can move on with this meeting.

Mayor Kuhn – Thank you Mr. Sapp and as I had stated in the preliminary estimates the demolition we were looking at \$250 to \$450 thousand so to have it come in at \$237 thousand is an excellent cost.

Christine Miller – 109 Garlow Drive – I have two comments. If there is going to be an oversight committee watching as the building design goes on?

Moe Rayan – the building design?

Christine Miller – well when they start building the building.

Moe Rayan – yes there is going to be a team of representatives from the Engineering Firm, our Municipal Engineer, our own Code Enforcement folks and a representative from the Architect.

Christine Miller – are there no citizens involved?

Moe Rayan – I am not sure what are you looking for?

Christine Miller – I had just heard of oversight committees when it involves something in the Municipality there is a citizen representation.

Moe Rayan – I can look into something like that. In the past we have constructed many sights here in Penn Hills we didn't have any oversight committees these are construction sites there are safety requirements that takes place there and there are liabilities involved and I am not sure and I don't know if any Municipalities do that type of oversight committees to oversee construction sites but we certainly can look at it and see what the objective is.

Christine Miller – also I am in agreement with Mrs. Getsy that I personally am very disappointed that you are moving ahead before we had our hearing because as we said it is not only Crescent Hills there were 200 plus people from Penn Hills that were involved.

Moe Rayan – Mrs. Miller – I am not sure why you are disappointed this project has been on the tables since last summer when we brought it to your attention and it was made known at a public hearing as far as the building. We have looked at conceptual renderings at that time. Everything has been out in the open we are not hiding anything and I don't know why your group is thinking we are doing something behind everybody's back.

Christine Miller – no we just wanted to get our thoughts and processes out before you started.

Moe Rayan – well you did and actually we started the program we have to put stuff together in order for somebody to talk about it. We can't just have ideas in our heads and talk about it it will never get done. We have to put it on paper for people to look at it. You are asking the cost the cost was kept from last summer when we

presented actually there was no prior request Mrs. Getsy showed up here and asked for the cost for renovation versus new construction. I pulled it out of the folder and handed it to her. You can't be any transparent than that I could of told her to come back in a week and I will get you something I pulled it out of my drawings the same thing that I had so from day one you folks are aware of what is going on in the entire Township is aware of what is going on so nobody is hiding anything .

Christine Miller – No I am just asking

Moe Rayan – you are going to have that opportunity when you are in that meeting and when we met with Mrs. Getsy, Mr. Lantz we met upstairs in my office we discussed about the positive and the negative of keeping the building here or moving it over there we had everything I answer all the questions that you had and when you presented and walked through and presented your Observation Report I answered it every item in that report we provided you with our counter answer if you would and presented to you why we didn't think what you presenting was going to work for this particular site so I am not sure why you folks are frustrated. We had one meeting the entire summer all the way in October and in November we had one meeting and we discussed the time line at the last meeting that it is not going to be any because in December we had the Budget Hearings and then the first meeting in January is a re-organization meeting there is no business being conducted there and today after this meeting we have a real estate discussion that we are going to talk about to look at that building based on the comments that we received from Mayor & Council and we are going to present the potential cost for that building and if it is approved we are going to go forward and have that public hearing to discuss it. I can't come to the public to discuss something that I am not authorized to do by Mayor & Council. There are tiers that I have to follow. I have bosses believe it or not that I have to answer to so I have to get their approval to come to the public and say this is what I looked at we presented it to Mayor & Council and they approved it and you can give us the ideas. Like I mentioned to Mrs. Getsy my own personal opinion and I am going to repeat that the group is objecting for that building to get relocated from this site down to Penn Hebron and that is the big hurdle that we have. I think that you folks understand that this building cannot accommodate the type of future extension that we are looking for and having a Public Safety Facility for Fire, Police, EMS and Administration Offices and we just can't have it here. We can't even park. The folks across the street asked us to get out of there because of the new facility and our employees are taking parking spots over there. It just can't happen here. We are looking at a facility to accommodate and use for the next twenty to thirty years and that is what we are trying to do.

Christine Miller – We understand all of that we went through the building.

Moe Rayan – from day one there was nothing hidden behind walls actually these folks didn't see anything in my folder here that I received from the Architect on

Thursday. They don't know what I am going to show them tonight. Nobody has any idea what I am going to show them tonight.

Christine Miller – going back to August there should have been an open hearing like we were asking for in the beginning so the people could

Moe Rayan – well we didn't meet until February and you didn't bring that petition to me.

Christine Miller – I am talking about the very bottom moving out of this building.

Moe Rayan – I don't know why this referendum because this is something that we didn't do in the past we didn't think of it we built a Public Works Garage without a referendum we built an \$8 million dollar Library best Library in Allegheny County with no referendum now we are putting a Municipal Building to improve our Community. We didn't think we needed a referendum to get approval to improve ourselves.

Christine Miller – I think the point is that this is the main building this is our center. Penn Hills has no center. When you go Duff Road where is the center at?

Mayor Kuhn – Mrs. Miller as far as the referendum if you look back at the minutes that was discussed and I have stated at that time that when the Library was built no one had asked for a referendum because everyone wanted the Library. When the Public Works Garage was built no one asked for a referendum. The Library was \$8 million we are looking at \$10 million, two million dollars difference but all of a sudden because of the fact some people don't want the building built which I know you have changed your position on that since you checked the building then they don't want it moved from here because of the fact now all of a sudden it needed a referendum. So the reason we didn't have a referendum is we had never done that in the past and we didn't feel it would be necessary to do it now. As far as an open forum I don't know how much more open the forum could be because this building has been discussed and re-discussed and re-discussed and meetings held and what have you on it so there have been open forums on it. As far as a Town Center I have presented some information to the Manager but until we see what actually the cost is going to be for the building in its self we are not I am not presenting that to the public because I don't want it to be said then well Mayor & Council said that we were going to get this and now they are changing their minds they are nothing but liars. In our very onset the idea was to attempt to sell this building in the condition it is which is probably fruitless or demolish this and sell the land now do we have a Plan B. Yes we do and I presented it to the public no I haven't because of the fact it is premature. So we have to do things in steps and that is what we are doing and I agree with you there is no Town Center in Penn Hills and there never has been and the Municipality serves as part but it is not really a Town Center and that would be what I would like to have in the future but I cannot present that to the public until I see where the finances are with the building. Once I

see where they are at and it comes in to what we are hoping it comes into and have no detriment to the Penn Hills residents and we do have something of a wish list for what we would like to do with this piece of property, until that time I cannot put that out to the public because of the fact I don't know where we will be so it is just a period of time and then we will see.

Christine Miller – one other comment we talked about what bad shape all the buildings in Penn Hills are and the reason you said they haven't been maintained as Mayor are you going to make sure that your buildings are maintained.

Mayor Kuhn – I don't know what buildings you are making reference to.

Christine Miller – well this building in particular.

Mayor Kuhn – well this building in particular is what we are trying to solve. This is the biggest problem. This building is the biggest problem the Municipality has but our Senior Center I mean we put money into our Senior Center we put money into William McKinley which we voted on today I don't know our Library is State of the Art I don't know what buildings you are referencing to.

Christine Miller – well I was thinking but you said the school is separate.

Mayor Kuhn – right, the schools have nothing to do with Mayor & Council. What they do with their buildings we have no input and they have no input in what we do with our buildings. The Municipal Building I don't know of any of them to my knowledge that have any serious problems.

Christine Miller – well I was considering the schools. When a citizen like myself considers Penn Hills it is like the School and the Municipality are like one.

Mayor Kuhn – but they are not because of the fact we don't have any input on what they do with their budget or their properties.

Christine Miller – o.k. thank you.

Mayor Kuhn – you are welcome.

Cindy Van Horne – 469 Springdale Drive – I was just wondering when you were getting these plans from the architect? Do you have an idea of how many acres of property you need to build the building you want to build? Does it have to be at Penn Hebron was my thought if there was a more visible place for it. When people drive into Penn Hills they can see that that is our building because we spent so many millions on the high school and the elementary they are beautiful buildings but nobody sees them. People will say we built new schools but they don't know where they are.

Moe Rayan – the Rodi Road Corridor or the Frankstown Corridor you can see for yourself there are no places to

Cindy Van Horn – how about as you first drive into Penn Hills across from where the Comfort Inn is that hillside. I thought if you just built some kind of if this isn't an all done deal if you built something on that hillside that would face the parkway.

Moe Rayan – now you are adding another couple million dollars to

Cindy Van Horn – we are spending ten what is another. And the other thing was you said the fire dept. was there is going to be a fire station at the new building.

Moe Rayan – no it is going to be a training center and the Fire Marshal is part of the Administration Offices here as well. It is going to be a training center and the thoughts to construct a tower for training for the fire departments, firing range that we were looking at for the Police Officers to qualify.

Cindy Van Horn – and back to the first question is about the cost of the Architect. Will there be like I am not sure what you call it a change form as the building is being built will there be a way to make sure the cost overruns don't become so enormous that everyone's percentage of the building becomes bigger and bigger?

Moe Rayan – well the only individual that is receiving percentage is the Architect and that is industry standards the form of payments for architectural funds. Actually we were able to negotiate a low 4-1/2% versus industry standards around 6-8% or perhaps up to maybe 11-12%.

Cindy Van Horn – but like if we say maybe eleven million like we won't be going to fourteen like is there going to be a way

Moe Rayan – there has to be a control cost and that is what we are working on and the authorization from Mayor & Council not to exceed the ten million dollars.

Mayor Kuhn – not to interrupt but when we are actually in the process of the building when we built the Library I questioned every invoice that came in for the Library and I would ask my Finance Director which he will remember at every meeting is this cost part of the original cost. I do not believe in change orders. What I tell the Architect at the onset is this I don't want someone coming in with a low bid in order to get the bid and then come in with constant change orders so you tell your people who are giving you prices on the building to make sure that they are bidding a price on exactly what those prints are they are showing. The only change order that would be approved by Mayor & Council will be if Mayor & Council will change a wall from here to there, a door way from here to there anything that comes on that bid those bidders better realize that

that is what they are going to do. Don't come in and say I am putting in three lights and then say I have to have ten. And I also asked the Architects if every bid covered the exact same work and supplies because if one bidder is only bidding twelve doors and the other bidder is bidding eight then why is the other bidder bidding eight so now that will be determined and any cost change comes before Mayor & Council they are not allowed they can't even go to the Manager or the Planning Department or whomever for a change order. The change order has to come before Mayor & Council and we are very attuned to that because of the fact a lot of times what they do they will have a credit on something and then they will throw the change order in against the credit so then we don't see it. Well that is not happening here. The Library came in under budget and on time because of the fact we were very watchful on that and this will be the same. We don't ever forget that the money that we vote on for expenditures is money that we receive from the taxpayers from Penn Hills.

Cindy Van Horn – and the last thing I want to say is this building does worry me if you are going to move wherever if this building becomes abandoned and falls in disrepair like the old Library did then it is such a scar when you are driving through town.

Mayor Kuhn – exactly.

Cindy Van Horn – we have a lot of empty properties and this would be such a shame.

Mayor Kuhn – no we would not let that happen and as I say we are hopeful that we will be able to do something spectacular for the Community. And I just wanted to let you know that prior to Penn Hebron we looked at all the properties that were available around the Municipality to see if there was another location that would work. There were very few that would work and the ones that did the money was way out of the ball park and I also checked and if you look at Monroeville there building is not on their main highway. It is on the street back.

Cindy Van Horn – but they have a lot more business.

Mayor Kuhn – Verona theirs is on the back and Oakmont you are lucky if you can find Oakmont so it is not unusual would we like to remain some type of a Town Center that is our hope.

Cindy Van Horn – thank you.

Janis O'Donnell – 140 Crescent Hills Road – I was taking a note here about your over site committee and you had mentioned that there was going to be a Municipal Engineer, then the Code Enforcement Chief and then the Finance Director are you the Finance Director I tried to reach you I was the treasurer of the CDC and I was never

able to reach you and all I wanted to know was who the auditor was. I really think that from listening to what is going on here I am from a much larger area o.k. I like Penn Hills I like the fact that we can come up and we can talk Howard Davidson when I first moved up here he said Janis you are going to find ten, twenty people who are going to do it all or get it all moving and I would ask that we all know each other we are going to be talking to each other on a regular basis so we might have or I might have something that you are not fond of hearing and I might be challenging you but guess what you ran you took this office you are our representatives and we have the right to ask you and I would just ask just not to let things, things got a little personal tonight I thought and you are going to be seeing a little more of Mrs. Getsy, and seeing more of me you are going to be seeing more of us because it is the same twenty people that do it all but I know we are a large Municipality and we are not representing them you are representing the whole Municipality but I would just appreciate it if we could just keep it a little less personal on some of the things because we are going to be challenging you this is a lot of money, this is a lot of money and I am a taxpayer, I own three houses here o.k. and we are nervous what happened with the school district, I know you are not the school district we are grateful but as a taxpayer that makes us hyper vigilant.

Mayor Kuhn – I realize that and there is nothing wrong with being challenged because as I said I don't think there is anyone on this board here that is so arrogant that we fight with people and that is not the case and we do appreciate when you come up and you give us your opinions because what we might be saying is something that I hadn't thought of so then when you do that to me that might determine how I might make my decision or vote but the only thing of it is it is very difficult when you do sit up here and local officials is a thankless job we do it because of the fact we love the Community that we are in now as far as taxpayers everyone up here is a taxpayer. I have two grandchildren. Both of them decided to buy homes in Penn Hills so I represent my grandchildren. My granddaughter has two children so when I have to vote for sewage I have to consider that their Grandfather and I don't use a third of the water and sewage that she does with two children. So everything that we vote on also affects not only us but our families. We are proud that our grandchildren choose to live in Penn Hills because they could of moved out to another Community because this is our town and we are very careful of it and the only thing that becomes personal is when we work very hard we are very transparent and there is nothing that anyone asks us that we do not give them the answer to it might not be the answer that they want to hear but they do receive an answer and it is very difficult when you work that hard to have it more or less taken as that we don't care or that we are doing things behind closed doors and to be criticized. It isn't easy and as I tell everyone there are primaries in May and we would be more than happy it is very difficult to get people to serve as I said earlier it is very difficult to serve on our committees, like Zoning, Planning the Library Board and what have you so anyone who really wants to make a difference please come forward.

Janis O'Donnell – well I really do I just want to finish it because everyone wants to move on but here I just want to say that the forum the hearing I guess it has to be called a hearing because of the way the wording is legally but these open forums about specific ideas this is a huge project I think it is a good idea and it doesn't necessarily have to be it is not you versus them or us versus you or anything like that it is a big project and we would like to have as citizens a place to meet. Maybe some open meeting areas for the citizens groups and things like that so these open forums can be things other than just the cost and all of that. That is super important but I personally think you need to nail a high limit don't be wishy washy about this.

Mayor Kuhn – but like I said our limit was \$10 million to \$11 million and that was it from the beginning and we have let the Manager the Architects and the Directors know that that is the figure we are at. Can we give you an exact amount as I explained until we have a contract we can't.

Janis O'Donnell – I think the open forum is a really good idea because you know we do want to come in and we do want to talk to you all about this. This is a huge project.

Mayor Kuhn – but when is there not an open forum?

Janis O'Donnell – I am not saying there isn't but what is happening tonight is I saw this hearing that we were hoping to have as basically an open forum where we could have a conversation rather than a point where people are going to be challenging each other. Maybe I am just like up in the sky but that is how I saw it and I think it is important

Mayor Kuhn – well I believe as I had stated that we have been in an open forum, when we have our meetings as I said to everyone our Agenda under the Home Rule Charter is out one week prior to the meeting and it has everything that we are going to speak on that gives the residents to call and ask questions about this that or what have you then we as you sat here and saw we say what every Resolution is and then we ask for your opinions. That is an open forum and as you can see truthfully under the bi laws the public is only to be speaking 3-5 minutes so I would have to say we are very open because in fact we do not put that time limit which is written as how long they can speak we let everyone speak and we let them speak as long as they chose to. I don't know what more you are asking of us.

Janis O'Donnell – that sounds good, I would just like to have more open forums that is all. So thank you good night.

Doug Rigner – 120 Glenfield Drive – I just had some questions this is my first meeting I have attended in quite some time and it really scared me and I worked on I sell software to Architects on a regular basis and I did some numbers it is only scary

when you leave it up to them. I guess what I am looking at as a taxpayer is for you folks to set the design standard for them. Is there a design standard for the scope of the demolition a little more detail than this? Is there anything that is that transparent? Because this is the lowest bidder but I can tell you 97% of the time across America and I applaud you for the 4-1/2% the national average is 7 with Architects and like she said congratulations that is a low bid but that scares the life out of me and everybody here because almost everybody has a contingency. Do you know what the contingency percentage is under this contract?

Moe Rayan – as far as the construction contract? Yes.

Doug Rigner – right so if the contract is \$237,000 you want to award do you know what the line item is what percentage is

Moe Rayan – yes.

Doug Rigner – what is it?

Moe Rayan – on the \$10 million?

Doug Rigner – on the demolition one?

Moe Rayan – there is no line item in the contract itself.

Doug Rigner – that would be a concern going forward.

Moe Rayan – why a concern?

Doug Rigner – well because if you don't know what their contingency is

Moe Rayan – you can't get the contingency out of the Contract it is a lump sum bid.

Doug Rigner – with any contractor and you might be able to back this up when they have a project they all sit back at the table and they say what are we missing and they say we don't know because nobody knows everything and you have already said that.

Moe Rayan – well we put our own contingency as the Engineer's estimate but there is no way that we can know what the contractor's is. I was a contractor for sixteen years before I started working here I never presented my contingency to the owner.

Doug Rigner – got ya. A lot of them do now. It is a competitive market.

Moe Rayan – if it is asked for but as far as our Engineer's estimate we did provide a contingency in our own Engineer's estimate we estimated the project at x and this price came in below that and then we did have our own contingency.

Doug Rigner – I am instantly more comfortable that you said that because you come from the industry but as a tax payer I am asking you I wish you would ask them that because if they really want it they will tell you and then you will know and then secondly as a citizen I hope that you would tell them that this is not up to the Architect to keep designing up and up and up because they will keep designing.

Mayor Kuhn – are we still talking about the demolition when you are making reference to the Architect?

Doug Rigner – yes.

Mayor Kuhn – o.k. correct me if I am wrong. Maybe from what the information I have this bid item came in with our specs, am I correct?

Moe Rayan – yes.

Mayor Kuhn – and so that was drawn up by Gateway and when we did the bid of \$237,000 that is what they will get is \$237,000.

Rick Minsterman – for the most part yes there are some unit price items that if they don't get implemented we won't spend that money.

Mayor Kuhn – right but I mean they are not going to be able to come in after the fact and say you owe us \$50,000 more.

Rick Minsterman – the lump sum items are fixed it is clear there is no reason to come back in for additional cost. So the demo is a lump sum item and the asbestos abatement is a lump sum item and there are some unit prices for other asbestos items that are behind walls and things like that where we couldn't fix a lump sum price so we have estimated them as quantities so essentially all of the lump sum costs are fixed there is no reason to come up with to add more costs.

Doug Rigner – if the quantities are off who pays is it in the contract that they pay?

(inaudible)

Rick Minsterman – they were given the opportunity to do proper inspections go through the entire building, crawl spaces all the utilities all that information so that they will understand what they will be demolishing what they could get for salvage value on the metal copper and things like that we said there is a building how much to take it

down no owns on the Municipality if they make a mistake in quantifying the tons of debris or the numbers of shingles none of that stuff we put it all in the contract.

Doug Rigner – so there is not a future meeting where somebody is going to go you said \$237,000 a year ago and why did we end up at \$250,000?

Mayor Kuhn – Rick if I am not mistaken that is what a lump sum Contract is because there were two different types and we decided to go with the lump sum, correct?

Rick Minsterman – and I keep bringing up the small unit price quantities because we couldn't count the asbestos and the pipe wrapping behind the wall without tearing the down or under the floor so we had to estimate we see a pipe there and we see a pipe there that is 60 feet from there to there we still can't see it there might not be a pipe there so everything that we saw we put in as a lump sum item for asbestos everything that couldn't see but we figured could be there we listed as a unit price so they gave us a price to demolish 60 feet of pipe asbestos under the floor if it is there so if they implement all of the unit prices that we thought there was asbestos then it will be \$237,000 if some of the areas did not contain asbestos that we thought it might then we won't be paying by unit cost we will be paying them by the lump sum for everything that we did see. And even then that asbestos it was quantified but it was said that the contractors responsible to verify the quantities and that the responsibility of the disposal quantities was on them so even if our quantities were wrong for the lump sum aspect they are forced to take it out at that price.

Doug Rigner – so we could pay them less than from what I am hearing you say.

Rick Minsterman – exactly

Doug Rigner – so when you are say they are responsible for the disposal quantities do we know where they are going to be disposing them is that like something you discuss with them because in other projects I have seen across the country some Municipalities and I can't name one in particular when they dispose of it they have to get a bill of record what the tonnage was and when and where they disposed of it and then you can check that back against your awesome track record as being so detailed with the invoices to say ha ha we should be paying x we should be paying

Moe Rayan – those are approved sites by the DEP where the contractor requires

Doug Rigner – oh yea are we going to get a record of their tonnage?

Moe Rayan – there is a certificate of custody yes and certificate of disposal.

Doug Rigner – but I am saying against the quantity because these are the things that make it more efficient that make you guys look even better managing a project these are the things to look for in a project and in no doubt respectfully you are probably really good at what you do but the only people I trust in most situations are people who are trained as much as police because they are heavily trained in what they do but I can't expect my Mayor to manage a building project

Mayor Kuhn – no because of the fact

Doug Rigner – that is why I just wanted to double check.

Mayor Kuhn - right. We are layman I am not an engineer I was fortunate enough that I worked with a contractor for nineteen years so I know something of it but I am not a professional in any way shape or form so that is why we rely on our Engineers and our Manager and I will tell you this when we did built the Library and there was a problem with the dirt having to be removed we had correct me if I am wrong Moe, we had a municipal employee who sat at the gate and counted every truck load of dirt that went out so when we got charged for the amount of trucks that took the dirt out it was accurate with what our employee had written down as the number of trucks that went out. So I mean we try to do everything that we possibly can but Mayor & Council we are not paid employees we do not have offices up there. Under the Home Rule Charter we legislate and the Manager runs the day to day running of the Municipality.

Doug Rigner – well I thank you and it is great to hear you have a top number of cap on that and that it could actually be lower. O.k. thank you.

Mayor Kuhn – I don't think there is anything else to cover on this.

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

Mayor Kuhn – Now on a very pleasant note I would like to have Items for Consideration and I would like to make a Motion and it is my pleasure to ask for a Motion to confirm the Manager's appointment of Chris Blackwell as Director of the Planning Department.

Dr. Kincaid seconded the motion.

Mayor Kuhn – I will make a comment Chris. I have known Chris from when he was a young man who just started in the Planning Department and he is a very dedicated young man and he lives in the Crescent Hills as I do and after Howard Davidson retired it was pleasant to see that Chris took on his own person and he made some changes and he is young so he has young ideas and the only thing that I ask is what I have always asked Chris is that when someone comes into the Planning Department I want it to be fair across the board. I don't want it to be decided on

personalities or what have you because sometimes we get into a lot of trouble when that happens. Whatever the law is I want that to be implemented to everyone who comes into the office and it is fair for person A as it is for person Z and I do believe Chris that you do have that in you and that is why I am very very happy to present this motion.

Mr. Underwood – There was a statement that was brought up for consideration for Council sometime back and I spoke and they say Council doesn't say anything.

(inaudible)

Mr. Underwood – thank you but I don't think he took it the wrong way but we do still have good communication and I will let the thing lay at that point. Let sleeping dogs let them lye and I do occasionally make a statement. Where you here when the Architect for the placement of Dible School was here. The Architect and the Solicitor were here and we gave them some concessions because there are no walkers on Jefferson so they didn't have to put a sidewalk in so that saved the school some money and the taxpayers as well. There are trees that have to be planted according to Code we gave them the o.k. and they didn't have to do that at that point. What they did say was if there was ever an emergency up at that school they felt that they needed to go a different way. Well you can put a road in if you so desire as long as it meets criteria but they wanted it to come past a walking pass from that school down to a street at the bottom of the hill it went upgrade o.k. which is the walking trail for the kids but you take a fire truck and you go over that hill when you go down the hill and over a concrete pipe it is going to break that concrete pipe now you are in deep trouble. We said no way are you going to take all these vehicles down that path through two houses and dump them onto a Municipality street. You know what happen they didn't have an alternate plan it never happened so where the buses come in is where they have to leave and that is a bear. If you are ever on Jefferson Road at the wrong time of day you are going to find out that the Architect didn't do the job right and the Manager didn't supervise that job and that is my opinion. So it backfired. So that is what they were going to do any how and say it was under an emergency no and nobody on Council knew what was going on and I also mentioned at that meeting when you go up that road to the school when you look over the immediate left side of that area of Jefferson Road that is a wet land and you can't do a thing with that. The driveway is as wide as it is going to be. You can't fool around with Mother Nature. Oh three days later flags were put in that wet land area because they finally got off their duff and went out and investigated that and that is another time I came off the wall . Occasionally I come off the wall but I do my homework and I am sure and confident o.k. I am sure everyone else on Council

Mayor Kuhn – I don't mean to interrupt you but we are going to do roll call.

Mr. Underwood - I only have three minutes and I think I did that.

Mr. Palumbo – congratulations Chris.

Mayor Kuhn – yes and congratulations Chris.

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

Chris Blackwell – I have nothing to say actually no I appreciate your confidence and I look forward to many years of service. I really appreciate it. Thank you.

REPORTS

Mayor Kuhn – I just wanted to say that yesterday we all were aware it was Martin Luther King's Celebration held at the High School. I do want to say it was thoroughly enjoyable it is always wonderful to see how young people perform. At the ceremony they did have so many of the Penn Hills Children perform. We had the Penn Hills Concert Band, the Penn Hills Elementary 3rd Grade sang and the Penn Hills School Choir did a wonderful song and all too often our School District has nothing but derogatory remarks made about it and it is so wonderful to go and see how wonderful our children in Penn Hills are and how wonderfully talented they are and it was a wonderful tribute to Martin Luther King and they did hand out literature that is available at the Penn Hills Library regarding different books on Dr. King's achievements while he was living and as I spoke to the young children I told them the most wonderful thing that Martin Luther King did was he had no violence. He had a message and he had a hope and there were people who were violent against him but in all his marches he never showed any violence and I was hoping that the young people realize how many people had given their time and some of their lives to let them have the opportunities that they have today and that they would follow the way of Martin Luther King, Jr. and not being so violent because the violence amongst our young has to come to a stop. But it was very enjoyable. I also have a report that The Zion Lutheran Church is now a food pantry and the second Saturday of each month from 9-11 they do have the food pantry and if you would enter the lower entrance by McDonald's and they have also cooking instructions so with the food that they are giving out they show you how you can prepare it which I thought was very very nice and we did have from the Seniors they sent a wonderful letter and card with all their names as you can see there are many many on there and it is thank you so much for letting our Bingo continue and the card parties and they gave a very nice letter and card with everyone signing it saying how much they appreciated that we are keeping the Senior Center open for those two activities which Mayor & Council felt it was very important because it was used by the Seniors.

Mayor Kuhn – we will hold an Executive Session for real estate and contracts after the meeting.

ADJOURNMENT

Mayor Kuhn entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

The meeting was adjourned at 9:30 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY