

SEPTEMBER 11, 2017 COUNCIL MEETING MINUTES

Mayor Kuhn - For our September 11, 2017 Council Meeting before I go into the Agenda I just would like to make a comment that I am sure we all are aware that today is September 11th and let us never forget the tragedy and loss that we Americans endured when our Country was attacked. Always remember our first responders, all the innocent men, women and children. The sacrifices that they and their loved ones and their families suffered and also please pray for and remember all our service men and women who are still giving their time to keep America free. So I know as Americans we will always be remembered and will remember 911 in our hearts. 911 was a tragedy created by evil men, mankind, I am sorry I don't want to offend just the men but mother nature can bring down damage, pain, heartache and devastation also. So if you will all pray for the victims, the towns that were hit by the hurricanes that we just endured the last two weeks and make every attempt to help those victims with your donation. This is what we Americans do when our neighbors are in trouble. We all step up to the plate. So I just want to ask everyone to remember all the people who are not as fortunate as we are today in Penn Hills. The Agenda will stand as presented and if we could stand for the Pledge of Allegiance. After we say the Pledge if we could have a moment of silence for all the victims from 911 and from the hurricanes I would appreciate it.

APPROVAL OF AGENDA ITEMS

Mayor Kuhn - The Agenda will stand as presented. Listed at Number 4 was the Public Hearing and discussion for the 2017-2022 Capital Improvement Program which we had prior to this meeting. It being 7:34 P.M. I will call tonight's meeting to order.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

ROLL CALL

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

Also attending were Rayan, Manager, Sorce, Manager's Secretary, Schrecengost, Finance Director, Alexander, Solicitor, Blackwell, Planning Director, Minsterman, Gateway Engineers.

CITIZENS TO ADDRESS COUNCIL:

Mayor Kuhn - First on the Agenda we will have Citizens to Address Council. The first citizen is Megan Sommers if you could just come up and give your name and address we would appreciate it.

Megan Sommers - 101 Anthon Drive. First I would like to thank the Council for allowing me the time to address you all. What I wanted to talk to you all about this evening is the property that is located adjacent and directly behind my property and that property address is 1511 Universal Road. The issue with the property has been pretty long standing with my family. The 101 Anthon address is my Grandmother's House and it is where my Mother grew up and now that is where I am and my Grandmother in 2004 did become very upset with how it was looking in the back and she did express that to my Mom and then my Mom who was living in Hollidaysburg at the time reached out to Mr. McCafferty and just explaining that my Grandmother was elderly and hard of hearing so if you wanted to contact my Mom so that she could help and unfortunately nothing was done then and then we had some family issues come up so we let this slide until I have come back to the area. I have looked at the different Ordinances and I have been working with Chris from the Code Enforcement Office and she has been great and she has really been keeping me in the loop. She sent me a copy of the letter that she did send to the people who are living at 1511 Universal, do you want to see that and it has pictures attached of the property in question as well?

Mayor Kuhn - do you have a copy honey that you want to give all of us or do you just want to read into the record or is it lengthy?

Megan Sommers - no not really more or less it is the pictures. Some of the issues that I have been having recently is that there are trees and some shrubs and it is very overgrown and it is reaching onto Universal so I am at the corner at 101 Anthon when you go to make that left to go up Universal or even the right to go down Universal it does block your view. There have been a few accidents. One that was pretty bad and was reported to the Penn Hills Police and they came out and I just happened to be home during the time and the gentlemen was obviously very upset. Another issue I have with that property is that we have hedges that line our property and it has actually killed some of my hedges because it is encroaching on my property and those hedges have been there for probably 40 if not 60 years from when my Grandmother and Pap lived there. Also there has been a lot of small rodents that have come out and have eaten away at like the retaining wall in my house and it is causing it to buckle. There are holes leading back into the kind of an un-kept area. There also has been a lot of deer I know there are deer everywhere especially in Pennsylvania but I do have a dog and so I am kind of concerned with Lyme disease and ticks and that sort of thing. Also the neighbors next to me that also are affected by the un-kept area I went to put my garbage out the one night and they were like honey you can't put your garbage out the night before you have to do it Thursday Morning when the garbage comes and I was like why can't I put it out the night before I have never had an issue

and they said there are all kinds of raccoons and like small animals that come out of the forest area that then tears the garbage if there is any food in there and then it kind of gets all over the neighborhood. I do know that the property used to be owned by Mr. Orlando Scaramoogie because that is who lived there when my Mom lived there. Unfortunately I don't know if it stayed in the family or if it has been sold out. I know Chris said that she stopped up to try and knock on the door to get somebody to come and she has sent a few letters and then she has also come and talked to me and then I stopped up the one day because I was very very frustrated and I was going to offer that I would take care of it if it would be reimbursed. I have somebody that comes and mows my lawn because I don't have a lawn mower yet and he gave me a bid on it and it was a significant amount of money to just clear and just push back and I didn't want to be out that kind of money having just moved back to the area and the Ordinances that I found that worked was there is a five day notice to mow which they don't comply with also if the noxious leaves are not moved or reduced to the height below 12" inches within the five day period they will receive a notice which they did receive a notice because they did not remove any of the poison ivy or mow the lawn. I just feel like we have exhausted all roots. I have worked with Chris and I tried to go up myself and I kind of hit a dead end and I am hoping that you all can help me in this matter. I would greatly appreciate any help.

Mayor Kuhn - reading the letter that was sent from The Municipality it does say on there the corrective action needs to be done. Your trees are hanging onto the adjacent property on Anthon Drive they must be trimmed, pruned or cut and they are hanging out on Universal Road in order to prevent visibility problems. This must be within ten days of receipt of this notice and failure to comply will result in a non traffic citation being filed with the local Magistrate and the compliance date was 9/6 of 17. So I am assuming nothing has been done?

Megan Sommers - no this morning I was out of town this week end and when I came back this morning I even took newer pictures on my phone in my purse but it still looks the same.

Mayor Kuhn - now is Universal Road a County Road?

Moe Rayan - yes.

Mayor Kuhn - yes I thought Universal Road was a County Road, is there any way that the Municipality can contact the County because of the foliage that is coming over on to the roadways for them to be able to at least trim that.

Moe Rayan - it is on private property Mayor so our Code Enforcement will have to follow up with the Magistrates Office at this point.

Chris Blackwell - if I can interject on this. I think Mayor and Council are commended for allowing people to speak and sending a letter in but I think this is an

issue that needs further resolved with Code Enforcement. I think this is more of a neighbor dispute. I have seen the property. The property was actually trimmed to the Code Enforcement's satisfaction at this point so in our opinion it has been resolved. This is woods that has been there a long time. I have looked at Ariel photographs going back over ten years. The woods existed at that time. I think that it is something that Ms. Sommers and Code Enforcement need to have further discussion to be resolved and it is not something that really

Mayor Kuhn - so Mayor & Council then literally does not have any

Chris Blackwell - going through the process and I think the process needs to just continue whether it is the Magistrate or between the two neighbors or Common Pleas Court or whatever it is not something that you could take care of.

Mayor Kuhn - just one other question Chris being that you are saying that Code Enforcement feels that it was taken care of does that mean that the Municipality is not following through on the Magistrate issue and that needs to be done by the resident, is that correct?

Chris Blackwell - that is correct. It has been satisfied through Code Enforcements satisfaction so if Mrs. Sommers wanted to pursue the issue she would then go to Common Pleas Court and it does not go to the Magistrate it goes to Common Pleas Court to discuss this further.

Mayor Kuhn - o.k. thanks for that explanation. So I guess that is where we are at.

Megan Sommers - so then it goes to The Common Pleas Court and address them with the issue, is that correct?

Mayor Kuhn - right that is

Chris Blackwell - I think you could go back to Chris, Mrs. Sepesy and talk to her further about it and there may be some more resolved before you reach that but I think Code Enforcement there needs to be further discussion.

Megan Sommers - o.k. perfect, thank you. Thank you for your time.

Mayor Kuhn - thank you.

Mayor Kuhn - the second citizen to address council is Kimberley A. Finch Robinson.

Kimberley A Finch Robinson - 718 Penny Drive - Good evening Mayor and Council. My name is Kimberley A. Finch Robinson and I live at 718 Penny Drive and I have several concerns. I have been a resident of Penn Hills for almost twenty years

and my family has been residents for almost forty years. During this particular time I always wondered why it was so hard to get employment with Penn Hills. When I lived in Penn Hills I worked outside for several years and always our taxes came back to Penn Hills. I would have rather lived here and worked here. I have come with the credentials and I should have been able to get a job with no problem in Government and I am real concerned at this point. I am going on 63 years old and now it is time to retire but I still have a desire to work and I want to know why it is so hard.

Mayor Kuhn - well I don't under The Home Rule Charter Mayor and Council do not hire and we don't fire. The Home Rule Charter which the Municipality was the residents voted to be Home Rule Charter in 1975. Our Manager is in charge of hiring and firing and Mayor and Council legislate. We are not paid employees and we don't have offices up here but we don't have to my knowledge at least there is not an abundance of jobs for The Municipality and when they come up and correct me if I am wrong Moe if it is a Union Job someone with The Municipality can bid on the job and I know that we advertise and they get resumes and I know myself and I can't speak for Mayor and Council but I am sure that they agree I have always told the Manager if the applications come in and if candidate A and candidate B both have the same qualifications I would prefer if it went to a Penn Hills Graduate or a Penn Hills Resident so that it is not outside of Penn Hills but I have never applied or my family for any work in The Municipality but I have never heard that there was any problem. If you have the qualifications you send in a resume and then the Manager goes from there. He does the interviews and Mayor and Council is not involved in any way.

Ms. Robinson - o.k. I have been here twenty years and haven't gotten a job.

Mayor Kuhn - did you apply?

Ms. Robinson - yes and I know other people who have applied.

Mayor Kuhn - well I don't know what to tell you because of the fact I just explained how the process works so I don't know if the Manager would want to give some input being that he does the hiring.

Moe Rayan - all of our positions are advertised in the newspaper and on the internet and it goes through the hiring process. Each Department Director will do the interviews and forward the recommended individuals for final interviews. I am not sure what job did you apply for?

Ms. Robinson - I am 63 it doesn't matter.

Moe Rayan - I am just wondering.

Ms. Robinson - well I am in the legal field.

Moe Rayan - primarily there are secretary jobs or public works, water pollution, and the library, these are the jobs that we have.

Ms. Robinson - it's been years ago but

Moe Rayan - we don't advertise for legal work.

Ms. Robinson - I am concerned because I have other people who have applied who are younger than I am and they have reapplied and have not gotten a letter.

Moe Rayan - I don't know I can't answer that.

Ms. Robinson - it seems like it is a systemic problem to me that so many people who live in this particular area are not employed in this particular area with the Government. I don't understand that.

Moe Rayan - in all about 100 employees here in The Municipality plus the part timers and they are all residents of Penn Hills we don't have non residents. There is a residency requirement to be employed you have to live in Penn Hills or become a resident within one year of employment so these are requirements.

Mayor Kuhn - as I had stated The Municipality does not have an abundance of jobs we are not like the County or we have as the Manager stated 100 employees and there are 44,000 people in Penn Hills so once an employee is here they generally stay so the amount of turnover in our employees is a limited amount but as I say Mayor and Council do not give a recommendation we don't see any of the resumes and none of that comes before us that is done by the Manager and his Directors so we don't know who has applied and we don't know who is hired until we get our packets on Friday and the Manager will say such and such person was hired for such and such job.

Ms. Robinson - o.k. and my second concern is about the old Churchill Country Club which I live around the corner from and I read in the newspaper that they send out that mum was the word for the owner of the country club. Now my main concern is it is an eye sore. It is a great eye sore and I think it is in very deplorable conditions that if it was our housing and I don't know how much influence you all have in regards to making that person that owns it to keep it up but it has made our properties, some people can't even sell their houses. Some people's houses have sat there a year, a year or two. Something needs to be done. It is just outrageously ridiculous.

Mayor Kuhn - Chris, I graduated in 1961 from Penn Hills and at that time Churchill Country Club was the diamond of Penn Hills. It was beautiful, everyone would of liked to have joined but tragically it just came to a point financially where I am assuming they just couldn't no longer have it and it is sold if I am correct because of the fact that I keep asking Planning what is going on so there are owners who own it and we on are somewhat on a regular basis, am I correct Chris, we do contact to see

exactly what they have planned for it but at this point in time we have no new information from the owners and there is no way that we can force the owners to tell Penn Hills what they want to do with it. Now as far as the weeds that are growing up and that, I would have to ask Code because of the fact sometimes that big of an area and most of that area is in Churchill, am I correct?

Chris Blackwell - yes.

Mayor Kuhn - the only thing that was actually in Penn Hills was the building, correct and some of the parking lot?

Chris Blackwell - It encompasses approximately 140 acres, 40 of it which is in Penn Hills. The building went into disrepair so Code Enforcement required that they demolish the building. Now that the building is demolished it is a vacant property and it can become woods. It does not have to be developed, however Zokaei Properties their business is development is homes so I can assure you that at some point it will be developed. That is what they do and I am sure Mr. Zokaei would like it developed just as much as we would. We received several propositions. People came forward with ideas but there has been no application filed with us so at this time I am sure that Mr. Zokaei is the property owner is looking for a developer or a project to develop there but in the meantime it can grow back to woods.

Ms. Robinson - Wouldn't it be, I don't know if you all are able to do this we would get fined if our grass wasn't cut. I mean I understand that Penn Hills doesn't own the majority of it.

Chris Blackwell - because you have a house. If you have a vacant lot it wouldn't have to be mowed. If you go down Allegheny River Blvd. it is a vacant lot all that woods is owned by somebody and it is not mowed. The roads that we travel where they are wooded like Universal Road where we were just talking about Anthon that is all wooded it is vacant land so actually until somebody comes forward with a proposal to develop the property our Ordinance requires that it remain wooded.

Ms. Robinson - so in other words it can stay deplorable and an eye sore.

Chris Blackwell - you are saying that the property around Penn Hills that is wooded is deplorable. I disagree with you.

Ms. Robinson - I am talking about the Country Club.

Chris Blackwell - it is no longer a Country Club.

Mayor Kuhn - what he is stating if I can clarify and correct me if I am wrong Chris, when the building was still in place Penn Hills had some leverage, once the building was demolished the portion that is in Penn Hills is now considered vacant property and

there is no building on it so being that it is considered vacant property our Ordinance does not cover that, you have to maintain in a grass type atmosphere of vacant property. From when I was on Planning if I recall in realty they want the siblings to grow and grow until they come into actually wooded areas. So the Municipality now that the building is down we have no legal right to tell them that they have to maintain the property that is in Penn Hills. Am I correct Solicitor if not if you could explain it?

Craig Alexander - it can stay undeveloped until owner decides what he is putting on that property.

Ms. Robinson - ok I understand. I will take the message back. My third question is why doesn't the Municipality have a payment plan for the Municipality taxes? I am really concerned about that and the reason I am concerned is that a lot of people are on fixed incomes.

Mayor Kuhn - I know that the school district has a payment plan that you can pay so much I think it is over a period of five or six months . Of course the school taxes are a great deal larger than what the Municipality taxes are but to be honest to you this is the first time that this suggestion has ever come up to Mayor & Council because of the fact the tax revenue isn't that large but I don't know but that is something that we could look into to see but because our tax collector is the same tax collector for the school district.

Moe Rayan - we can look into it Mayor like you said this is the first time somebody came up and suggested that. I can follow up with the tax collector and see what is required to do that and bring it for discussion

Mayor Kuhn - alright I think that at least we can look at it and consider the pros and cons and see how it would work out but I think it is a good suggestion something that we could look into and see what we feel would be the best for the Municipality on it so I thank you for that. That is why we have these Council Meetings so that we get information. We do not claim that five people on Council have all the knowledge what is needed in Penn Hills so I appreciate you taking the time and coming up and asking the questions because of the fact I try to tell our residents Mayor and Council will give you answers and sometimes it is not an answer that you might want but we will give you an answer and if we don't have it we will look into and research it until we do find the answer for you and this is a suggestion and it is a suggestion that I know myself never thought of so we can look into it and go from there. So I thank you for presenting it.

Ms. Robinson - thank you very much for listening.

MINUTES

Mr. Underwood made a Motion to approve the **Minutes of August 14, 2017**, Council Meeting Minutes.

Mr. Brodnicki seconded the Motion.

Mayor Kuhn - I know that I need to sometimes apologize to my secretary because she is the one who types all the minutes and these minutes are nineteen pages but this Mayor & Council appreciate when residents come to our meetings and if they have questions we do over extend time for them to present their questions and for Mayor & Council to answer them. So unfortunately the blunt of that is Maureen who has to type up twenty pages of Minutes and she does an excellent job. When I am not able to attend when I read her minutes I have every bit of knowledge as if I had sat in on the meeting so thank you Maureen.

Maureen Sorce - thank you.

There being no further discussion the Motion was passed by a 4-0 vote.

Mr. Underwood abstained because he was not present at meeting so has to abstain.

EXPENDITURES

Dr. Kincaid made a Motion to approve the **Expenditures of September 11, 2017**, Journal Vouchers 0, \$0.00, CD Requisitions 15, \$20,142.64, Checks 38394 - 38632 - \$2,923,306.69 making a Grand Total of \$2,943,449.33.

Mr. Underwood seconded the motion.

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

RESOLUTIONS

Mr. Underwood made a Motion to approve **Resolution No. 2017-062** – adopting The 6-Year Capital Improvements Program of 2017-2022.

Mr. Brodnicki seconded the Motion.

Faith Milazzo - 121 Castle Drive - I don't know if you can answer this question right now I tried to look at the Capital Program Plan. I am sure you know that sewage is a huge topic among residents of Penn Hills. People are concerned about the cost of it. I don't quite follow The Capital Program and how this is laid out and I didn't realize that you were talking about it at 7:00. I was just going by the Agenda but do you have an idea if next year that residents will continue to pay the \$30.00 Service Fee that went from \$15.00 to \$30.00 and of course we had that big jump this calendar year. I understand there is going to be a Budget Meeting in December but I am just wondering it was a very large increase and when there is a very large increase back in 2008 that

was so we wouldn't have increases for a number of years so do you foresee that happening?

Mayor Kuhn - well in 2008 Mayor and Council stated to the public that there wouldn't be an increase for five years and it was actually close to eight years well it was eight years so the increase that came in 2008 there was no increase for eight years and as I tell everyone that comes to the meetings when we increased that last year we had three Budget Hearing Meetings and we also had posters with charts and we had Gateway and myself and the Manager explain in detail why it happened. We paid \$20 million dollars in repair of the sewers for the Municipality of Penn Hills. That twenty million dollars from 2008 until 2016 we didn't borrow any money and we didn't increase the rate but Penn Hills is an old town. The sewage and the pipes and all the mechanisms like I tell everyone it is underground people can't see that and that is why the sewers deteriorated to where they were because of the fact it wasn't popular. The Administrations didn't want to put the money into it because they would have to raise the fees and then that is not popular for them for re-election. We were under Criminal Consent Decree and we got into a Consent Order and now we are EPA and DEP is so satisfied with the progress that Penn Hills has done we are actually on our own. That being said that does not mean for one minute that we still do not have to do every mandate that the Federal Government puts on every Community for repairing of their sewers so that is why we had to have the increase. Do we feel that there is going to be an increase this year as far as I am concerned no one has come to me from the Management telling me that we are but as I said if anyone can come up with an answer of how we do all the mandates for the Federal Government the Sewage Budget is completely separate from the General Budget so if anyone has suggestions on how we can lower the sewer rates and still perform what we have to do. We pass Resolutions for a million dollars, two hundred thousand frequently, where do I get that money for the Municipality to do all of those repairs? The only way you can get it is through Revenue. So it is very easy to say it is very popular shame on Mayor & Council because you have increased our sewer rates at such a ridiculous amount but those people who make those comments are making them for their own personal agendas because none of them have come up with a solution. If anyone can give the solution on how to do these mandates without having to increase after eight years like I tell everyone go home and look at your Comcast bills see what they were eight years ago compared to what they are now well getting rid of raw sewage is a lot more important that watching HBO on television so as I said anyone who has an answer please give it to me I would appreciate it.

Faith Milazzo - I have no answer, no suggestions I was just asking, just thinking ahead to the future so and you also feel like the \$30 service fee, the quarterly service fee that will probably stay the same?

Mayor Kuhn - back in 2008 when we increased it we put a \$30.00 surcharge on and we were able to reduce that to \$15.00 so that all depends on what the costs comes in for the mandates we have to do but Mayor and Council as I said we didn't just say

well it is on there we are going to let it on there forever we did reduce it and if we see that it is possible to reduce it again and there is a lot of people who have a lot of suggestions so maybe at the Budget Hearing Meeting they can come forth with the suggestions that they have and maybe we can lower the rates.

Faith Milazzo - so you are saying there is a chance?

Mayor Kuhn - always a chance honey.

Faith Milazzo - o.k. thank you and just a reminder we are having a litter pick up on Saturday Old William Penn Highway.

Mayor Kuhn - I was going to bring it up under the reports.

Faith Milazzo - thank you.

Sherry Lowell - 841 Fourth Street, Verona in Penn Hills - what she had brought up about the water I have been there for three years and I don't understand how it could jump from 2008 it has been raised the sewage rate from last year from 2008 to now last years it was raised over \$4 and some cents. Just for the sewage. Didn't we have money for it last year?

Mayor Kuhn - no no the sewer charge was raised in 2008. 2009, 2010, 2011, 2012, 2013, 2014 and 2015 and went into sixteen there was no rate increase. Now there was increases from ALCOSAN but ALCOSAN's increases the Municipality of Penn Hills does not get one penny so unfortunately ALCOSAN does not bill. Their bill comes with your bill from Penn Hills so when you see these increases that ALCOSAN has presented over the years that is not Penn Hills increase. Penn Hills did not increase and in fact they decreased from 2008 to 2016 the \$15.00 fee so for eight years there was no increase and we did twenty million dollars worth of work on the sewers. Now as I said if someone can come up with how we can get that money.

Sherry Lowell - well I am new to the area and I have been here three years but when I seen my bill go up every year and

Mayor Kuhn - it is not every year.

Sherry Lowell - well I forgot my phone in the car. On one of your pages I printed it out and took a picture of it and it said from 2008 ALCOSAN gets \$8.03 I believe and I believe ours is \$17.88. That is \$9.08 added on to the \$8 and some cents. I know money has to come from somewhere but I know this isn't the time or place but this is my first meeting

Mayor Kuhn - no that is fine I would rather give you the information than you to have misinformation. ALCOSAN increase their rates, am I correct Rick, he is our

Engineer. ALCOSAN increased their rate 13% over that period of time and even though they increased theirs from 2008 yearly or whenever it was Penn Hills did not so what you are referencing I don't really know but I am telling you from 2008 until the 2017 bills came out there was not one penny increase from Penn Hills Municipality.

Sherry Lowell - why like the other side of my street Verona the same ALCOSAN \$8.01 and we are \$17.88?

Mayor Kuhn - well I will tell you why and I have explained many times at these meetings is because of the fact Penn Hills Municipality under the Criminal Consent Decree we had to do all the work for all our sewers which I told Faith which is over twenty million some dollars. They kept telling Penn Hills that the other Communities would at some time have to do the same as Penn Hills did and then they would have to increase their rates. Well now that they are all in Allegheny County, Verona, Oakmont, Wilkins, Monroeville, Plum being they all have to do what Penn Hills has already done those who are in charge want it now to be Regionalization and Regionalization means flat rate across the board. Penn Hills your question is exactly the question we have been stating to ALCOSAN and the County is Penn Hills residents already paid for our improvements now you want to put a flat rate across the board which means Penn Hills is going to now have to put money into this point for the other 80 Communities in Allegheny County to do theirs. Well Penn Hills is not paying for other Communities when nobody helped Penn Hills plus Penn Hills is the largest Municipality outside of the City of Pittsburgh. So if we have 22,000 households and we pay a flat rate of say \$10.00 a month multiply \$10 x 22,000 and if Verona pays a flat rate of \$10.00 a month by whatever 5,000 say whose is putting the most money in the pot.

Sherry Lowell - that is what we are doing now we are putting the most money in it.

Mayor Kuhn - well no it is not Regionalization

Sherry Lowell - no no Penn Hills is paying a big portion of it.

Mayor Kuhn - not yet it hasn't.

Sherry Lowell - I am not saying the flat rate we are paying over double what Verona pays.

Mayor Kuhn - and that is because we had to pay everything ourselves so now why don't the other Communities have to pay themselves why all of a sudden now are we going to be helping every Community out. So we have been fighting. I have many enemies in the County and ALCOSAN because I am very voice full on this but it is just unbelievable that they would ask Penn Hills Residents who have been fighting all these mandates for all these years with all this money and now the other Communities are going to have to do what we did and now they are saying they want Penn Hills to help

pay the other Communities. Well this Mayor and Council is standing firm. Now we have been threatened by ALCOSAN and by the County saying well you don't have to join in but if you don't EPA and DEP will be watching you on a daily basis and my answer to them was Penn Hills is use to the EPA and DEP watching us on a daily basis they have been doing it for twenty years. So I ask every time it is brought up I ask every resident please send letters to the County saying that we do not support Regionalization because Penn Hills residents have already paid and it is very unfair for you and ALCOSAN to ask Penn Hills now to pay the largest amount of this flat rate because we have the largest number of households to help pay other ones and their comment was well they will go bankrupt if we don't help them out. Well what do they think Penn Hills did. Take Penn Hill's average income and take the average income of South Hills, North Hills or what have you. Our residents took the hit and there is no way we are going to take the hit again and now take the hit for all other 80 Communities in the County. We are only five people. We need the assistance from the residents. We are Penn Hills and we are going to be heard.

Sherry Lowell - so is there a chance that the sewage will come down?

Mayor Kuhn - the sewage probably will never come down because of the fact that you have 22,000 households. When we do this mandate to take care of this area then next year you have to take care of this area and then you have to take care of this area by the time you are done getting everything taken care of

Sherry Lowell - you start back from the beginning.

Mayor Kuhn - exactly.

Sherry Lowell - I understand. Maybe there are some other projects that we shouldn't be working on then.

Mayor Kuhn - like I said though the Sewage Budget and the General Budget are two different Budgets. We can't take money for the Sewage Budget from our General Fund, am I correct?

Ed Schrecengost - yes.

Mayor Kuhn - and we can't take general fund money and put it in the Sewage Budget money they are two separate Budgets.

Sherry Lowell - didn't our taxes go up again this year?

Mayor Kuhn - our taxes I don't think have gone up since when?

Ed Schrecengost - Real Estate Taxes probably last ten years or so.

Mayor Kuhn - The Municipality's rate on taxes is right in there with every other Community it is the sewage and we haven't raised our Municipal Taxes in a number of years.

Sherry Lowell - o.k. thank you.

Mayor Kuhn - and please come to one of the three Budget Hearings that we have in December.

Sherry Lowell - yes I will thank you.

Mayor Kuhn - thank you. Sorry Maureen.

Maureen Sorce - that is o.k.

Adeshewa Metzger - 6090 Poketa Road - my question was primarily about the Capital Improvement Program Municipal Building allocation. So from my understanding overall there is \$38 million to be spent over the course of five years and then \$13 million of that goes toward the Municipal Building but 95% of that is for the new building so my question is what is going to be allocated for either demolishing the old side or building a park what is going to happen in those five years? When I was looking through the Budget nothing was really planned for the old side.

Mayor Kuhn - I am going to interrupt you honey but the Hearing that we had our Planning Director Chris explained that not in 2018 but in the years following there is a projected money of \$500,000.00 to demolish this building and then a year after there is \$300,000 we are hoping to put in a Community Center here at the building so we do have the funding projected to demolish this and put something in here.

Adeshewa Metzger - I guess I was kind of confused because five years from now seems like a really long time if you are making a budget now and there is \$13 million dollars can't a larger some type of percentage of it be dedicated over the next five years just for this location, I mean think it would be beneficial in terms of attracting new businesses and keeping our current residents, what is going to happen to the statues that are standing out there?

Mayor Kuhn - every meeting that we have had, numerous numerous meetings on the new building and the financing. We had a wonderful community group who made sure Mayor and Council crossed every T and dotted every I.

Moe Rayan - those statues outside they will remain here.

Mayor Kuhn - oh I thought they were remaining here only if we could put in a Town Center.

Moe Rayan - that is correct there is no plan for them to be relocated.

Mayor Kuhn - ok I apologize we discussed that because of the fact being that the building is on Duff Road it does not get the traffic of outside Communities so we wanted the statues to remain on Frankstown so that everyone that goes by is reminded of our Fallen Officers.

Adeshewa Metzger - ok and so over the next five years none of the \$13 million dollars will be spent to do anything to this space at all.

Mayor Kuhn - over the next five years are we putting any money into this place?

Adeshewa Metzger - in terms of making it look like, people are going to still cut the grass and

Chris Blackwell - that is what this is. If you look at 2017 it is current money that is \$6 million dollars that will be spent this year on the New Municipal Complex. In 2018 we are looking at \$6million dollars to complete the building. The \$500,000 you see there is to demolish this structure. We can't demolish it when we are in it. So we would wait until 2019 to demolish it and then in 2020 there is \$300,000 to put in a Town Center it is not a Community Center but a Town Center and then another \$300,000 might be more improvements to the Municipal Building things that were left out of the initial bid because they were too expensive like the canopy for the Police Cars. So we are actually talking about turning this into a Municipal Center in the next three years. I think we are actually doing what you are recommending but as the Mayor stated or what we discussed earlier was that 2017 column is current money, 2018 is what we are proposing tonight, 2019 is projected and we don't know if the funds are there then we will demolish this building but the intent here is that it is budgeted to come down.

Adeshewa Metzger - o.k. so like you were saying it is the Projected Budget not the

Mayor Kuhn - right because to put in to demolishing in 2018 we can't demolish the building while we are still using it.

Adeshewa Metzger - I understand that. I guess I was just concerned that it would not be a priority once everyone is in the new building and I wouldn't want it to be an eye sore.

Mayor Kuhn - being that Mayor and Council direct our Code Enforcement to go after businesses and what have you that are not keeping up their building I don't think it would be proper for us to let our building be in disarray.

Adeshewa Metzger - right. o.k. Thank you.

Mayor Kuhn - you are welcome.

Shawn Kerestus - 412 Crescent Gardens Drive - real quick question for Council. So I noticed the last line of this document the most important issue may be where to develop new sources of revenue for future improvements. So my question is simply are we working on a strategic plan to investigate new sources of revenue and if we aren't no time like the present. I am at your disposal to help where I can. I am an educated man let us hit the ground running.

Mayor Kuhn - now we our Planning Department on a regular basis reaches out to Sheetz, Gabes to everyone unfortunately mainly I am assuming because of our roadways we are not on 22 we are not on 28 so those big box stores they are not interested.

Shawn Kerestus - I understand we have to be realistic with Monroeville right down the road.

Mayor Kuhn - exactly, right. I mean but we were very fortunate in bringing in a new business that is just opening up I think this month it is called Pull and Pay and it will bring in not just you have to remember it is not just the Real Estate Tax because the Municipality's Real Estate Tax isn't an abundance of revenue such as the School District is but we have Business Privilege and Mercantile Tax so when you bring a business in you are getting 1.5 percent of that businesses income as Mercantile Tax. So anytime we bring any new businesses in Penn Hills it is a plus because that is revenue that is coming in but as I said I don't want anyone to think that our Planning Department does not work on a daily basis reaching out.

Shawn Kerestus - I didn't mean to insinuate that.

Mayor Kuhn - no I realize that but this is what people unfortunately consider a Bedroom Community and like I said being we don't have a route 30, 22 or 28 it is very difficult . We work when I was on Planning probably relentlessly trying to get something to go into East Hills, East Gate, everything fell through because of the roadway. The roadway just wasn't there. Now we do have a very slim hope, we do have a company that is interested not in Penn Hills but is interested in the general area and we are promoting the Atlas Cement Property so yes the only way that anything can come about as far as taxes, services is if we receive revenue. Like I said unfortunately Penn Hills isn't looked at as a big revenue area because of the road system that we have.

Shawn Kerestus - I guess the other side of the coin is our population is dropping we all know this.

Mayor Kuhn - as I explained to everyone it is not just Penn Hills population it is Allegheny County and it is Pennsylvania too.

Shawn Kerestus - oh I know that. Sure I guess my big concern is I am 33 years old and I just bought a house pretty much right by Dr. Kincaid and I one of the few people my age moving into this Community and I look around and I talk to people and they give me a list of reasons why they don't want to move into Penn Hills. So my question is we need a strategic plan today to bring my generation back here. Where will we be in ten years?

Mayor Kuhn - exactly. Our biggest problem is ourselves. For some reason not a majority but there are too many people who only state negative things regarding Penn Hills and I know the School District is in a difficult position right now, however, when you constantly down your school district, if your school district doesn't survive the Community will not survive. So instead of kicking them when they are down I was just at a function on Saturday with the young people who won contests for their anti-litter programs and it is so sad because of the fact if you go to a play at the Penn Hills School District and you see the talent, if you go to a sports event and you see the dedication and the talent that they have there, if you would take the time and see how many of our Penn Hills students go on to higher education but because of the fact for whatever reason and I don't know people think that they have to I have heard it at polls when it is election you know our school district is a disgrace when that gets out by your own then people feel that way but instead of promoting I had nine children who won this contest and when I came out of that function I had anywhere from six year olds to thirteen year olds and I had these young people coming up to me in the parking lot thanks Mayor for coming and giving me a certificate, thanks Mayor, I will see you Mayor and I got in my car and I had such a good feeling and I said what a wonderful world we have and that is because of the fact our young people are very talented. I have a neighbor who all his children's education from kindergarten up to graduation. His son is in the Navy Seals, his daughter is an Engineer. My grandchildren are all successful and went on to higher education. All their education came from Penn Hills so the way to promote Penn Hills isn't just through your Government. The way to promote Penn Hills is from within. If you have something positive to say ten people say Penn Hills might not be so bad and I had a woman come up to me at that function and said Mayor Kuhn I just want you to know I was a resident of Squirrel Hill and because of one of your residents promoting Penn Hills I have been here for five years and I love it. When I got my resume for The Shade Tree Commission when I read them I couldn't even comprehend all the things that they have done and what they have accomplished so Penn Hills has that out there. Our problem is don't use personal agendas to tear your town down and if you could give me your name and address it is just like I told everybody and with Faith I said she did what you are suppose to do she came up to Mayor and Council got us interested in litter and so we work with The Municipality, the School District, the Crescent Hills Community and it was such a success and it shows that Government and public when they work together great things can happen.

Shawn Kerestus - I agree.

Mayor Kuhn - so I would like your name and address because I always need appointments.

Shawn Kerestus - like I said I am at your service.

Mayor Kuhn - thank you.

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

Mr. Brodnicki made a Motion to approve **Resolution No. 2017-063** - ratifying the action of The Municipality Manager or his designee to dispose of bids received through The Municibid On-Line Program for Obsolete and Outmoded Vehicles.

Mr. Underwood seconded the motion.

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

Mrs. Sapp made a Motion to approve **Resolution No. 2017-064** - awarding a contract to Strongland Roofing Systems for The Penn Hills Service Association Roof Replacement Project in the Total Bid Amount for \$52,540.00.

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 No. 2017-065** - rejecting The Bids received on May 9, 2017 for The Milltown Park Sewer Project.

Mr. Underwood seconded the Motion.

Mayor Kuhn - just for information for the audience our Water Pollution Department and Gateway Engineers agreed that the two bids that were received the reason we are rejecting them is because only one was qualified and Gateway and our Water Pollution feel that if we rebid it we will get more people to bid who are qualified.

There being no further discussion the Motion was approved by a 4-0 vote.

Mr. Underwood - No.

Mr. Brodnicki made a Motion to approve **Resolution No. 2017-066** - approving the Acquisition and Subsequent Disposition of Vacant Property located at 7217 Brushton Avenue, 0173-G-00285-0000-00 in accordance with The Allegheny County Vacant Property Recovery Program and providing Assurance that Acquisition is consistent with The Penn Hills Comprehensive Plan.

Dr. Kincaid seconded the Motion.

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

Mr. Underwood made a Motion to approve **Resolution No. 2017-067** - approving the Acquisition and Subsequent Disposition of Vacant Property located at 1208 White Oak Drive, 0367-A-00247-0000-00 in accordance with The Allegheny County Vacant Property Recovery Program and providing Assurance that Acquisition is consistent with The Penn Hills Comprehensive Plan.

Dr. Kincaid seconded the Motion.

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

Mr. Brodnicki made a Motion to approve **Resolution No. 2017- 068** - approving the Acquisition and Subsequent Disposition of Vacant Property located at Earlwood Road, 0448-J-00172-0000-00 in accordance with The Allegheny County Vacant Property Recovery Program and providing Assurance that Acquisition is consistent with The Penn Hills Comprehensive Plan.

Mr. Underwood seconded the Motion.

Mrs. Sapp - I just wanted clarification that this is just a vacant lot, this is not a physical address, correct?

Mayor Kuhn - It has vacant property but I don't know if that means that there is a building or a structure on it.

Chris Blackwell - these are all vacant lots.

Mayor Kuhn - just vacant lots.

Mrs. Sapp - thank you.

Mayor Kuhn - I just wanted to the last three that we have done on this Vacant Property Recovery Program with the County is a very good program and I am happy that we are applying to it because of the fact it takes the Vacant Property and puts it back on the tax role but it also gives the person who is purchasing it they have the opportunity now where they will take care of it so the homes and the Community around it will not have to be living with an eye sore so this is a very good program and I don't know how we came about it I am assuming it has been Management or Planning.

Moe Rayan - It is through the Planning Department and the programs developed by Allegheny County and all 83 Municipalities participate in it. When something happens like that that adjacent property owner goes and applies for it and it is a win win situation for everybody.

Mayor Kuhn - I agree it is a win win for everyone.

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

Dr. Kincaid made a Motion to approve **Resolution No. 2017-069** - authorizing The Manager to sign an Agreement to permit Geokinetics USA, Inc. to perform a Seismograph Survey of Penn Hills Owned Property.

Mr. Underwood seconded the Motion.

Mayor Kuhn - Before I ask for questions from the audience just to give you some history we had this Resolution before 2017-051 and Mayor and Council denied their application but unfortunately the Municipality was contacted by Geokinetics lawyers with a lawsuit which our solicitor believed was not able to win. The Municipality it would be fruitless and just cost legal fees because in his opinion we could not win this. So that being said Congress Council then had to re-address the Resolution again so it was very upsetting for Mayor and Council but being that we had no other choice we had to present it again perhaps the Solicitor can just give a brief comment on exactly what took place.

Craig Alexander - thanks Mayor. After Mayor and Council denied the request to perform seismic testing on our roads, I received correspondence from a law firm named Steptoe and Johnson on August 4, 2017 and a lawyer named Kevin Gormley from that law firm representing Geokinetics and Huntley and Huntley and in that correspondence he set forth the law with regard to seismic testing and provided two cases from 2014 one was a Commonwealth Court Case Sietel Data LTD vs. Center Township and in another case which was filed in Federal Court a US District Court it is a 2014 case called Ion Geophysical Corp. vs. Hempfield Township which was virtually identical to what occurred here in Penn Hills and what the court US District Court said in that case was under current Pennsylvania Law Municipalities are precluded from banning seismic testing by Pennsylvania Oil and Gas Law and then they cited the Statute 58PA Section 3302 and Hempfield Township lost that Federal Lawsuit and they were hit not only by damages but in Federal Court and you get hit for your attorney fees too and they are substantial and if you can regulate Seismic Testing limited through an Ordinance a Zoning Ordinance which we don't have which Hempfield didn't have and Hempfield tried to argue that they were in the process of doing an Ordinance or this and that and just didn't fly with the US District Court. The fact of the matter is the law is on the side of the gas companies in these cases. The legislator put it there. We did our best to deny it. Huntley and Huntley is permitted to force their rights and they did that. I told the lawyer and we met in an Executive Session right after the last meeting . I (provided every member of Mayor and Council a copy of the correspondence, a copy of the law that was provided to me and we were all in agreement that we couldn't win a Federal Law Suit if we were taken to court on this matter and we were required to reconsider it. I went back to the lawyer the next day he said when my time is to file a law suit I am filing it

tomorrow. I said well we are going to reconsider this at the next month's meeting. If I provide you with a letter that says we are going to reconsider it will you consider not filing a law suit. He said if you waived the requirement for me to file it I will wait and not file it so that is what I did. On August 16, 2017 I sent a letter to the lawyer indicating that we met in Executive Session and we are prepared to reconsider the vote and that we would toll any statute requiring you to file a law suit until we had the opportunity to do that in case. Mayor and Council choose not to do that then they still have the right to go forward and file their Federal Law suit tomorrow or the next day or I believe they have fifteen days after tonight's meeting to do that I don't remember the exact date but in my opinion I believe it is shared by the Manager and everybody else is that the law is on the gas companies side on this and we are sorry. I know Mayor and Council tried to deny this originally.

Mayor Kuhn - thank you very much.

Allen Waldron - 342 Iris Drive - it is very unfortunate what I just heard. I was prepared to say something else but given what I was just told I do know about the case in Oakmont where Geokinetics and Huntley and Huntley came in and tried to do the same thing. Oakmont was successful in passing Ordinances that basically chased those companies out of there and they decided to table anything that they were doing in Oakmont so my first question is what did they do differently that we are not able to do at this point?

Mayor Kuhn - if I am not mistaken and I will ask the solicitor to make sure once an application is filed if you do not already have an Ordinance in place then even if you put an Ordinance in it will not be that the person who gave the application has to abide by is that correct?

Craig Alexander - that is absolutely correct and that is what Hempfield tried to do in the case that I just cited and in fact Oakmont is the only local Municipality that I am aware of that actually had an Ordinance in effect or at least pending before Huntley and Huntley came in and applied to use their roadways and understand something that is not done yet. I know for a fact that these folks are reviewing that Ordinance to make sure that it complies with all regulations. There is still a possibility that that would be challenged down the road but I don't know at this point whether it will be successful or not but I know that the folks at Huntley and Huntley and these folks this law firm are looking at this Ordinance.

Mayor Kuhn - I will say that Mayor and Council were pro active in the fact that we did pass an Ordinance that no fracking, is that correct?

Mr. Alexander - that is absolutely correct.

Mayor Kuhn - seismic testing is permitted in Penn hills unfortunately this was not brought up to our attention so we didn't incorporate this but we do have an Ordinance

that no fracking is permitted and this does not permit them to go on any private property, am I correct?

Mr. Alexander - unless they have a lease to do so.

Mayor Kuhn - right unless the owners themselves give permission but being that we have to pass this or probably should pass this it doesn't mean that they are getting permission to come on any private property, that is between them and the private property owner.

Chris Blackwell - Mayor may I interject I am sorry Pennsylvania you can't have non exclusionary Zoning so actually fracking is permitted in Penn Hills and in the Industrial District and that is by State Law so it is Zoning and that is what was passed in 2011 prior to 2011 it could be in any Zoning District and so wells greater than 4,000 feet deep wells or Marcella Shale wells are permitted in Industrial District. We had to do that to comply with the State. Surface wells which they are not really doing any more up to 4,000 feet are still permitted in every zoning district in the State of Pennsylvania and the section 601.602 has local Ordinances and it clearly states in there that we cannot supersede the Oil and Gas Act.

Mayor Kuhn - I appreciate you bringing that up Chris because that is my error in my statement that I made. I know that a Municipality cannot deny any type of business not to come into their Community. You have to have a section that they are permitted to operate and it can't be somewhere that is out in the island that we own maybe on Allegheny River Blvd. and we had that come up probably twenty some years ago when it was the ruling for adult stores. We made an Ordinance but we had to designate a certain area that they could be in but the Ordinance denied them from going up to the Penn Hills Shopping Center or across the street to put one in. So we do have to provide an area but at least then we are keeping them in a certain area not that they have the ability to just pick and choose wherever they like to go.

Chris Blackwell - I think also in this case they already have leases with Penn Hills so that was another we already have gas wells on Penn Hills property.

Allen Waldron - not fracking wells though?

Chris Blackwell - no but because we already have those leases within those leases, am I correct, within those lease it allows them to come here.

Mayor Kuhn - I know that they do have wells but they are not permitted to do fracking in the wells that have unless they would be in the industrial area that we designated for that.

Allen Waldron - that basically is the former Atlas Plant, correct?

Chris Blackwell - that is correct. And then I think it should be understood that is where the well rig would go. Horizontal drilling is another issue, am I correct about that? So we would say that you can't drill in Penn Hills however I believe the well rig goes in the Atlas Cement Plant let's use that as an example, however, the horizontal drilling can go under parts of Penn Hills. We don't have oil and gas rights for our properties.

Mayor Kuhn - does that answer your questions.

Allen Waldron - yes but I just want to caution that doing this since we have basically the land of the Atlas Plant where they are allowed to frack letting them come in to do this seismic testing once that is done how many more steps are there before the trucks are rolling down Universal Blvd.

Mayor Kuhn - right and that was one of the comments that Mayor & Council stated at the original Resolution is this doesn't say that they are fracking but it is the first step towards fracking.

Allen Waldron - right.

Mayor Kuhn - but unfortunately the State General Assembly approved it and unfortunately as a Municipality we have to go along with it and as stated by the solicitor not only if we would lose do we pay our attorney fee we have to pay their attorney fees too so it is a 99% percent chance that we are not going to win it would be just throwing money down the drain that we knew going in was not a winnable case.

Allen Waldron - yes, I am familiar with the cases.

Chris Blackwell - are you familiar also with Whiteford vs. Penn Hills?

Allen Waldron - no.

Chris Blackwell - because I do want to point out that we went all the way to Supreme Court with John Whiteford. So when it is to our best interest in financially and knowing that we can win we have gone all the way to the Supreme Court in defense of Penn Hills Ordinances and that was just to allow, we require it as a Conditional Use so the argument was whether this chapter whether we were even allowed to bring it to Mayor & Council at all and we were challenged and we fought that and we won that case. So I just want to point out that Mayor & Council when it is in the best interest we go for it.

Allen Waldron - I have nothing further I guess. I don't know what else we can do here.

Mayor Kuhn - I am not happy either.

Allen Waldron - we will just stand in front of the trucks.

Mayor Kuhn - o.k. Any other comments from the audience, from Council?

Mark Brodnicki - would it be possible to have our Council be able to review our Ordinance to make sure it is as bullet proof as we think it is?

Craig Alexander - I will absolutely do that.

Mark Brodnicki - that would be fantastic.

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

Mr. Underwood made a Motion to approve **Resolution No. 2017 - 070** - awarding a One-Year Contract to Reinhart Food Service, LLC for Food Products for The Home Delivered Meals Program through The Senior Services Center.

Dr. Kincaid seconded the Motion.

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

REPORTS

Mayor Kuhn - just wanted to remind everyone that Saturday, September 16th from 9:30 to 11:30 it will be come join our Community Litter Clean Up and they are meeting at the US Film Crew, 4090 Old William Penn Highway. I also wanted to report on my anti littering program that I stated earlier about these young children from the age of five to thirteen from our school districts who presented their drawings for anti-littering. It was a really really wonderful event to go to and sometimes I will have myself saying why I am fighting so hard sometimes because of some of the negativity that comes out for a Mayor & Council we aren't paid employees and we do the best we can and I believe this Mayor & Council and the previous administrations Mayor & Council have done wonderful things for the Municipality but when I came out of that program and saw all those young people and all those young students who were Penn Hills students when I got in my car I said what a wonderful world we have so I was very upset because I know that Mrs. Getsey who worked very hard on this contacted the Media and unfortunately as they do with our Fireman's Essay the media did not come because that would show something positive in the papers about Penn Hills. We are going to have an Executive Session after the meeting so do I have a Motion to Adjourn.

ADJOURNMENT

Dr. Kincaid entertained a Motion to adjourn.

Mrs. Sapp seconded the Motion.

Mayor Kuhn - Meeting is adjourned. I thank everyone for coming.

Chris Blackwell - you can repeat that comments you made about the paper because the reporter was out of the room when you made that comment.

Mayor Kuhn - oh you were out of the room when I was reprimanding you. I said we had a wonderful program with the children won awards for their anti litter drawings and that Mrs. Getsey did invite the media but unfortunately they weren't there.

Dillon Carr - I was there. Didn't you see me?

Mayor Kuhn - oh you were there. Then I apologize and I hope to see something in the paper. Thank you.

The meeting was adjourned at 9:12 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY