

AUGUST 17, 2015 COUNCIL MEETING MINUTES

The August 17, 2015 Council Meeting was called to order at 7:35 P.M. in Council Chambers at the Municipal Building. Mayor Anthony DeLuca presiding.

APPROVAL OF AGENDA ITEMS

Mayor DeLuca – Good Evening, we will call this meeting to order. We have a change to the Agenda, Flo Johnson will not be here tonight and in her place we will have Gerry Ingold. The rest of the Agenda will stand as presented. Will you please stand for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

ROLL CALL

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

Also present were Manager's Secretary Sorce, Planning Director Blackwell, Finance Director Schrecengost, Solicitor Alexander, Controller Futules and Engineer Minsterman.

OATH OF OFFICE

Mayor DeLuca – first we have some new Officers coming to the force and we will swear them in. First let me be the first to welcome you to Penn Hills. You will find that Penn Hills is a great Community and the people are willing to help our Police Department in any way possible. This is a great Community to raise a family and hopefully down the line you might decide to move into Penn Hills but on your patrols make sure you are safe and make sure you are out there protecting our residents.

Mrs. Kuhn – I just want to congratulate you all and all the members of your family also. Mayor and Council take our Police Department very seriously. If our Community isn't safe then we will be losing residents. You all look so young to me so I am going to talk to you as a Mother and tell you to make sure you do your job but first and above all make sure that you are very careful and you don't do anything that your training hasn't told you to do because your safety is just as important to us as the safety of our residents. So congratulations and I hope everything works out fine and again congratulations to your families.

Dr. Kincaid – Congratulations and I have met all three of you and as far as I am concerned and I think you would probably agree and even if you don't that this is the best Police Department to work with in Allegheny County because we have a great Chief, you have a great department, it is great a Community and Penn Hills is a wonderful place to live as we have discussed previously so congratulations to you and your family and I think to repeat what the Mayor has said you do your job well but above all remain safe so you can come home every night. God Bless You.

Mr. Palumbo – I would also like to welcome you all to Penn Hills. Most of all be safe and I echo everything that everyone else said.

Mr. Underwood – To the Officers we and I am speaking especially for me as well as for everybody else and you have already heard some of our Council we are happy to have you on board and what you have also heard too I am going to echo some of that safety is a priority and you very well know that, I know that. You are going to do your job it will be fun don't resist calling for back-up it is an aide so again I am happy for you people, I am happy for your family and I am too convinced that you will be fine and do a great job. Enjoy.

Mayor DeLuca – raise your right hand. I, Dustin Hess, Matt Druskin, Lindsey Bigger, do solemnly swear that I will support, obey and defend the Constitution of the United States of America, the Constitution of the Commonwealth of Pennsylvania and the Home Rule Charter and Ordinances of the Municipality of Penn Hills. I also swear that I will uphold, obey and enforce the law without consideration to a person's race, color, sex, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability. I will perform the duties of a Police Officer of the Municipality of Penn Hills, Allegheny County, Pennsylvania with honesty, integrity and fidelity, so help me God.

Mayor DeLuca – Congratulations. Ladies and Gentlemen our new Police Officers.

Chief Burton – Mayor this picture will be on the Police Web Page.

Mayor DeLuca – good, great.

Mrs. Kuhn – fantastic.

APPOINTMENTS

Mayor DeLuca – Next we have the re-appointments to The Traffic Safety Committee re-appointments. Is there a second to the motion?

Dr. Kincaid seconded the motion.

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

Mayor DeLuca – next we have Keith and Theresa Tullis.

Keith Tullis, 233 Yosemite Drive – first I would like to thank the Mayor and Council for having us on your Agenda tonight. The reason why I am here is because actually me and my wife are here a second time. My wife came last year around the same time and what we are having is a problem on our street. We live on Yosemite Drive and the problem that we are having is that we have a neighbor that has seven or more dogs. I am talking about hunting dogs so they are barking pretty much all day, all night long. We can't keep our windows open because of the smell. We have noticed rodents I am talking rats in our neighborhood. I live two doors down from him but the odor is so bad you can't keep your windows open and this has been an ongoing problem. I have been there for twelve years on Yosemite Drive and this problem has existed before I even came to Penn Hills so I mean we have called Code. Code comes and maybe gives them a citation or tells them about it but nothing is done. We called The Allegheny Health Department and they sent him a letter or maybe send them a little bit of a fine but nothing is done. He has ten or more dogs down there. He has some up on top then he has a drop behind the back of his house that goes down to a wooded area and keeps kennels down there as well. So I don't whether Code goes down that hill to check and see how many dogs he actually has. Now he keeps about maybe three dogs in the back of his house then it drops off and he might have about five, six dogs down in the back. He doesn't go down there to clean behind the dogs cages everyday because there are not steps to go down there he has to use like a rope to get down to the bottom of the hill to care for the dogs so the feces is creating that odor and it is a causing a problem in our neighborhood and I am probably not the only one that has complained to Code about it. I have called the Police Officers in the middle of the night because of the barking and they will come and tell them you have to do something about the dogs but he doesn't bring the dogs into the house. The dogs are outside constantly whether it is 90 degrees or it is below zero they are outside. Something needs to be done about it.

Mayor DeLuca – yes I agree. If memory serves me right I think that is the one on Yosemite they went to Court with this one, I think even the Humane Society went to Court and we both lost, like we lost and the Humane Society lost against this owner. I know we are working on a new Ordinance, Craig when can we expect that?

Craig Alexander – that Ordinance was for just a Leash Ordinance just keeping them on a leash it mirrors the City of Pittsburgh's Ordinance.

Mayor DeLuca – but if they are keeping them outside I think that Ordinance also addresses them, we have a little more teeth to go after them with.

Craig Alexander – that is absolutely correct.

Keith Tullis – they are constantly outside he never takes them inside the house even in bad conditions. They are outside whether it be snowing or this past winter.

Craig Alexander – we are going to have the Ordinance in place before winter comes.

Keith Tullis – like today I am sure those dogs didn't get water over the hill you know what I mean so something has to be done, I mean not just taking care of the pets but something needs to be done about the odor and the rats because he is not cleaning up behind the pens.

Mayor DeLuca – I do remember and I think this was before I was Mayor I believe Code took them to Court and I believe the Humane Society and both of them lost for I don't know what Attorney he had but yes I agree with you so can we get that for next month so we can maybe get some teeth and be able to go after them.

Theresa Tullis – I am Theresa, Keith's wife. Like he said last year I was here and I was told then the same thing that I am being told now that something is going to happen and it has been a year but still nothing has happened. How many years do we have to go through hearing the same story over and over and over? We consider ourselves young residents here in Penn Hills we built the house here in Penn Hills twelve years ago. We work. I work for one of the major investment companies here and Keith works for the VA Hospital as a RN. We pay our taxes; we have a daughter that we send to a private school. We do the right things but to us we are not being treated properly according to the Borough and us paying our taxes, we are not getting anything in return. We keep being told the same story over and over how something is going to happen and change but it doesn't and I even offered last year when you take them to Court call me I will go I will represent the Borough I will tell them what we experience two doors down from him. We can't even have company at our house because of the smell we are embarrassed and if we would have known all of this before we moved into Penn Hills we would not have been here and we tell people all the time now don't do it because Penn Hills will not do anything about issues that is in the Community. They really don't. The only person that I will say does things who I will call is Chief Burton. If I call him about maybe drug activity or something that I see in the neighborhood he addresses it. I will say but anything else it is a no.

Mayor DeLuca – when it came up last year we were short Code Officers so that was part of the problem but know that we are fully up to staff. I will call them tomorrow and make sure they come down there and sight them and like I said I do remember before I became Mayor this guy we took him to Court and then the Humane Society took him to court and we both lost in court.

Theresa Tullis – to me there has to be someone because the Borough has Attorneys that represent you. To me there has to be some technical issue with him that you can catch him on and I mean as far as those dogs being over his property line onto the Municipalities Property you can get him somewhere, there has to be some glitch where you can get him where he can be caught and be stopped and things will be changed.

Mayor DeLuca – Now you are saying he is over the hill.

Theresa Tullis – his property line is flat and then it goes over a hill and he has a whole bunch of kennels back there so I am thinking to myself as I am back on my deck looking and smelling and getting madder and madder every time I look over there that there has to be I bet you any money that he is probably over his own property line with those kennels and maybe on to the Municipalities Property Line where you might be able to say hey you are on our line get those dogs off. There has to be something, some way you can get him other than

Keith Tullis – another thing that he does is he has a lot of like small cages back there where he is trapping raccoons, rabbits and things like that. I don't whether it is so his dogs can get the scent of them or what he is doing with them but he is also doing that too but when you send Code Enforcement to check things out they need to go over that hill side and we took pictures of it.

Theresa Tullis – we took pictures and we have everything that we brought but like I said something has to be done.

Mrs. Kuhn – you have pictures you say. First of all do we have any Ordinance on the books of how many dogs you are permitted to have? If you have ten dogs I don't think

Chris Blackwell – six or more is a kennel and a kennel is not permitted in a single family home. I think I was there probably ten years ago but I know that they have been to court; they tried to go through this process and were unsuccessful.

Mrs. Kuhn - but I don't understand Chris if we have an Ordinance of not more than five or six dogs and they have ten that is the number one problem, number two if he has kennels you are not permitted to have kennels in a residential area so that is number two and then number three our Code Enforcement Officers when they are going are they going over the hill to see that they are there? But since you have pictures of it now I mean there is no reason that we can't go before the Magistrate. I have no idea why the Humane Society hasn't done something because you see pictures on the news constantly of people who are abusing animals and that and I mean if there is something on our books that says five or six then they are in violation so that is a Code Violation and we can site them because obviously if this has been going on as long as they say it

has been going on and you have said it and the Mayor this gentlemen has no intention of changing his ways.

Mayor DeLuca – over the five dogs when they took him to court and I don't know how he got around it

Keith Tullis – how he got around it is when Code comes and they tell him you have to get rid of some of them dogs what he does is he moves those dogs to another location and then brings them back.

Mrs. Kuhn – yes but if we have photos I don't want you going on his property but if you have photos that shows that he has this number of dogs and secondly if there are kennels that is a violation right there because he is in a residential area and he is not allowed to have kennels, am I correct Solicitor?

Craig Alexander – you are absolutely correct and like the Mayor said we will have a new Ordinance next month for consideration anyways with regard to roaming at large and things like that but I think that Chris and I should get together maybe and put our heads together to see how we can help these folks out too.

Mrs. Kuhn – I feel bad that the Manager isn't here but I will tell you one thing I will call when the Manager gets back and have him because you have your phone number here and call you and tell you exactly where we are at and what we are doing because I apologize that hasn't been done.

Mayor DeLuca – and I will call Code tomorrow and make sure that they go over there tomorrow and check over the hill and stuff like that.

Keith Tullis – you can smell it before you even get to his house. It is not just two dogs that smell like that there has to be a number of dogs and who is to say what he is doing back there. He could have a pet cemetery back there for all we know because it is all wooded back there.

Keith Tullis – thank you very much.

Mayor DeLuca – next we have Colleen Drane.

Colleen Drane – 6885 Saltsburg Road – Good evening Mayor & Members of Council. My name is Colleen Drane, I have been a resident of Penn Hills in the same home for 34 years since 1981 and I appreciate you letting me speak at this meeting. For those 34 years I have been extremely concerned about the safety along Saltsburg Road specifically at Hershey Road. I have seen numerous accidents. I am a school nurse and I have been the first responder to most of those accidents. I have been the one that calls for everybody now just recently we had one of your firemen involved and a gentlemen who was under the influence according to my estimation and it was an

extremely bad accident well it was a bad accident but if any of you have been awoken from two o'clock to four o'clock in the morning with a bang and your lights go out or this accident that just happened was at dinner time. So you are eating a peaceful dinner and bang it is a loud sound people go into the golf course sometimes so what I did for 35 years I have been trying to solve this problem instead of being a complainer like all my other neighbors. I identified five goals. Intersection signs, curves with specific speed limits that are safe like you get an engineer to look at the curve and see what the angle is and give us a speed limit not a word that says SLOW, slow is so vague to me slow means ten miles an hour to you slow may mean 30 miles on a 35 mile road. Crosswalks. There is a gentlemen a state politician Markosek in Monroeville he gets crosswalks for those residents just like that. They built this dog park along Saunders Station oh my gosh they had a crosswalk the minute the dog park was made. I have lived in Penn Hills for thirty-five years and still want a cross walk. I was told by a local politician that my wants are unable to be accomplished. I want the side of the road which I was told by a contractor when he redid my wall up front that the Municipality actually sort of doesn't own a certain amount of space but from the middle of the road to a certain space is Municipality owned or Municipality whatever so I could only put my wall a certain closeness to the road because I had to allow enough space for people to walk for somebody to push a stroller or a wheelchair and for bikers. So I did that to my property but the property next to me which is 6889 because I am at 6885 it is two feet wide. I walk my dog there and a pray and I actually pray because it is around the bend at Hershey. I always walk facing traffic, the local politician told me you are crazy, you are crazy we don't have walkers in Penn Hills, I said are you kidding me yes we do that is a bus stop that is a school bus stop and it is a Port Authority Bus Stop I see walkers constantly. I could take videos to show you how many walkers; I could do a data collection to show you how many walkers. Now Pittsburgh is pushing for bikers we should be too. We need a clean environment. Anyhow we also need school bus signs, a sign that says that this is a school bus stop. I spoke with the local politician I told you about, I wrote letters last September to Governor Corbett and got responses. I wrote to Penn Dot last year and got a phone call from a Julianne Sheldon who is a safety press officer for District 11 in Bridgeville and she told me that the information that I received from the local politician was incorrect and she told me that she would have an engineer call me and give me the correct way to solve this problem. I did receive the phone call from the engineers they told me the process in Pennsylvania is for me to bring my concerns to my Municipality. Then my Municipality will review my concerns and consider them and then write a letter to Penn DOT to request a safety study so in the meantime when I was trying to get all this together because I talked to Mrs. Kuhn last October I did my own safety study and I made a rough diagram and I took notes and you may have a copy because I promised you a copy.

Mrs. Kuhn – right and I did forward it to the Manager.

Colleen Drane – I never gave you the copy because

Mrs. Kuhn – you gave me some notes and what you had given me I gave him your name and what you had stated. Did he not ever get in touch?

Colleen Drane – no.

Mrs. Kuhn – well I apologize for that.

Colleen Drane – thank you Sara I appreciate that.

Colleen Drane – so any how if you want this detailed diagram because this is what I promised you that I would make a copy of and then the December meeting was cancelled I came up and it was locked.

Mrs. Kuhn – right you had said that on the phone that you unfortunately came up and the Council Chambers was closed and we didn't have that meeting but I do apologize because everything that we had talked about I had further talked to the Manager on it and I do commend you because of the fact the way that you even started out is exactly the way that you have taken care of things from the very beginning. You have not come up and you have not made accusations or harsh comments about Council and you did all your homework you put all the facts together so the Manager and Council had dropped the ball on this but I do appreciate the fact that I did not realize that once the concerns came to the Municipality that we reviewed them and then we write a letter to Penn DOT so with all the information you have do you have that that you can present it so that we can give that to the Manager for his review and he can tell Mayor and Council?

Mayor DeLuca – if we can have a copy?

Colleen Drane – of my little notes that I made, sure because this was what I was told by Penn DOT too in Pennsylvania any road that is 35 miles per hour or less the Municipality is responsible for a street name sign, street intersection signs, painted crosswalks and safe access for all. That is what I was told and I had the experience of going to my family reunion this year and it was in Cambria County and the road that I had to travel on between Ebensburg and Carrollton is similar to Saltsburg Road. A two lane one in each direction and a State Road and I was so impressed with the signs, I wish, I don't know I would like to see somewhere all the signs that Pennsylvania could make for roads.

Mrs. Kuhn – and the other thing Mayor when she put the wall up because I know I went through this with my Grandson with a fence if there is so much if it states that you have to be back so much and if someone else has put one up and hasn't done that then that needs to be addressed also.

Mayor DeLuca - yes we have to send Code out there.

Mrs. Kuhn – and that address was 6889.

Colleen Drane – and it is a rental property the guy who owns it his name is Shane Leighty and he bought the house and improved it and lived in the house while he improved and then rented it.

Mrs. Kuhn – perhaps he didn't realize.

Colleen Drane – he probably didn't and at the time I did understand that Code Enforcement problem that you had with less employees and they have been out because he just put in new tenants and Code Enforcement was out to do all this stuff and I was so impressed.

Mayor DeLuca – so we can have that and Chris once we get her notes can you prepare a draft going to Penn DOT for Moe's signature.

Chris Blackwell – Is it Penn DOT, I know parts of Saltsburg Road are County. I am just making sure.

Colleen Drane – I don't know, you might know more than I.

Chris Blackwell – no I don't that is why I am asking but anyway we can work on something.

Mayor DeLuca – I think the lower part is County and the upper part is the State.

Chris Blackwell – that is probably it.

Colleen Drane – I drove from the intersection of Verona Road out to where it turns into Plum and that is what I made my little diagram from.

Mayor DeLuca – next we have Gerald Ingold.

Gerald Ingold – 712 Fifth Street, Good evening Mayor DeLuca, Council Members and Municipal Officials. I would like to initially thank you Mayor DeLuca for giving me permission to speak and Maureen thank you for making that happen. I was unaware of the protocol where I would have found that. So thank you very much and I appreciate it. Like I said my name is Gerald Ingold and I live at 712 Fifth Street that is the Verona Hilltop section of Penn Hills, a thirty year resident of Penn Hills, twenty-five at my current address and I am here tonight to ask for your support and also to speak on behalf of my neighbors, seven of my neighbors, almost all of them are in their 70's and 80's retirees that is the make-up of our Community and for action to be taken regarding a property near ours 705 Fourth Street specifically to garner your support for the removal of an abandoned vehicle which consists of a remains of a boat and a trailer. It is a parts/strip out cannibalized haul of a boat which was placed in the alley behind 705

Fourth Street nearly 14 months ago, July 2, 2014. I believe that this vehicle combination to be in violation of numerous sections of the Codified Ordinance of Penn Hills specifically 424 Obstruction of Fire Lane, breach of the separation distance to the road, 47802A abandoned vehicle, motor vehicle 72 hours maximum and 48002ES301 unregistered motor vehicle thirty day maximum. If I may approach you Mayor the first page is a petition with signatures of myself and my neighbors (inaudible) speaker walked away from microphone – not really sure how to go about this process but my purpose tonight is to make this visible and what I am trying to accomplish is on behalf of myself and my neighbors is to have this nuisance removed. Not only is it an eye sore there is a health issue here. It is full of water and we are in the midst of the season for water born insect larva to breed and this is the perfect breeding ground for that. On a side issue I have been hospitalized two months ago with viral encephalitis the cause which was unknown but one of the likely suspects is mosquito bite and can't say this caused it, probably didn't, but it drove it home for me and I am still off work and I still experience significant incognent impairment and I am just doing my darness to make something happen here. I won't bore you with all the details I did a lot of due diligence here researching the problem and there is no established ownership to cut to this this thing was brought here from West Virginia twelve years ago it has never been registered, there is no legal owner documentation that didn't exist because it is a strip out. So this is like the early parts of the formation of a junk yard if you will.

Mayor Deluca – let me ask you the property that it is behind 705 is that the owner of the boat?

Gerald Ingold – well there is no ownership technically.

Mayor DeLuca – I mean if we had to get somebody at 705 is the one that brought the boat and just let it sit there?

Gerald Ingold – I believe not but there is a constant flow into and out of that residence if you are familiar with that residence at all. We can get into the sundry details but I don't think we need to go there but it is hard to say. The owner I believe may in fact be incarcerated again at this point in time it is hard to say but none the less it is clearly a strip out, it is a health hazard and an eye sore and the neighbors I rest assured are very concerned about it. We have been very patient. I believe that the Code Enforcement is aware of it. I was told that by my neighbor as they went through a review of a building permit a month or so ago and the topic was discussed at length at that point in time. So I would appeal to you for your support to make that happen I have given Maureen the originals of the petition signed by neighbors along with the problem description.

Mayor DeLuca – I will talk to Code but Sara the obstruction of a fire lane instead of waiting thirty days can we just get it out of there?

Sara Kuhn – is it on the roadway or the property itself?

Gerald Ingold – from what I understand the Municipality owns 18 feet so that means it is technically on the roadway even though it is not on the asphalt.

Sara Kuhn – o.k. because with abandoned vehicles if it is on the roadway the Police Department will go and they will start the process and if it is on property Mayor and Council just a year ago had an Ordinance that now Code Enforcement are permitted to go on private property so that is why I was wondering which way to direct this.

Gerald Ingold – both ways. That is why in my documentation I have two original petitions; I have two sets of signatures one to the Chief and one to the Code Manager so in case there is an overlap of responsibility and duty both folks can coordinate that task.

Sara Kuhn – right and the way that it works for abandoned vehicles if it is on the street and the Police come they put a note on the vehicle and then they try to find the owner and they send a certified letter if they don't respond within a certain amount of days then the Police Officer writes it up and it goes to the State and then the State sends back a letter that it has to be salvaged or it has to be advertised, if it is junk then the salver can just go

Gerald Ingold – the kicker here is that there was never ownership documentation established it was last registered in the State of West Virginia in 2003 so none of that documentation exists and sending anything to the State of Pennsylvania, Commonwealth of Pennsylvania puts that into a black hole.

Sara Kuhn – no because my husband is a State Salver so if the Police

Gerald Ingold – maybe we can enlist his services.

Sara Kuhn – that is right, if the Police write it up it is called a 952 form and that goes to the State and then the State send a letter to the previous even if it is out of state they send it to them and then they have thirty days to come and pick the vehicle up after we tow it to our establishment, if they don't come within the thirty days if it is worth \$500 or less then it is considered junk and then we just send for a junk certificate and they send us a junk certificate and we can get rid of the vehicle. If it worth more than \$500 then it has to be advertised and it takes a little bit longer but from your description I think it would be considered junk.

Gerald Ingold – clearly

Sara Kuhn – so what we need to do is the first step is either having the Police or if it is on the roadway have Code Enforcement go down.

Mayor DeLuca – what I was thinking this obstruction of a fire lane we send the Fire Marshall down there and we should be able to tow it immediately.

Sara Kuhn – right because if it is in the fire lane now it should be able to be towed immediately because that is not permitted to be in the fire lane.

Gerald Ingold – a fire truck can pass by it but at the same time it is breaching the separation distance according to my interpretation of the Codified Ordinance.

Mayor DeLuca – what we will do is I will call the Fire Marshall tomorrow and have him go and take a look and then if he says it is an obstruction of a fire lane then we will go from there.

Gerald Ingold - I think the pavement is ten or twelve feet wide but the Municipality owns x number of feet beyond the extent of the pavement and that is where the boat would be located and the trailer.

Mayor DeLuca – o.k.

Sara Kuhn – in the future if you have any vehicle that is abandoned and anything that means abandoned is if it doesn't have a up to date sticker or license plate if you call the police department that there is an abandoned vehicle on the street or even on a piece of property now with our new code it can be towed as an abandoned vehicle and that gets towed after the police go down and mark it and then it stays in the impoundment until all the paper work is done so it is not like it has to stay on the street until the State does all the paper work so I mean anything that is like that because of the fact we try to get all the abandoned vehicles off the street because it is dangerous in many ways. It is a safety danger too with young kids.

Gerald Ingold – it makes it tough for the snow plow operators also.

Mayor DeLuca – this is your number here?

Don Kuhn – The boats I don't know about. We can't ever get rid of a boat so the Code Enforcement Officer called me last week and asked me about taking boats and I said I have no way of getting rid of a boat. So I went to the fishing game commission and they wouldn't do anything for me either. We had a big yacht down my place and had a heck of time getting rid of it so I don't know if I can do anything for him with the boats. That is going to be a problem. I went to every resource I could go to get rid of the last two boats I had and it wasn't easy.

Sara Kuhn – well if it in the fire lane then that is a whole different story then we don't have to get with the abandoned part of it. So that is our first step to see.

Mayor DeLuca – I am going to contact the Fire Marshall and then Chris do you think you could call the fish and game commission?

Chris Blackwell – How big is this boat?

Gerald Ingold – it is 20 or 21 feet.

Chris Blackwell – do you think it could be considered like garbage, could you put it in a dumpster and haul it away could we do something like that.

Gerald Ingold – it would fit into a large dumpster it could be taken to a landfill. The only requirement would be too remove the fuel tank and then it would be accepted at a landfill.

Chris Blackwell – I am just trying to think of ideas to get rid of it. If somebody dumped a large whatever on the street we would take it we would do something to get rid of it. It seems what the problem with it is that we can't figure out what the process is to get rid of it.

Mayor DeLuca – Don can we take it to a junk yard if we tow it directly to a junk yard?

Don Kuhn – see that is one of the problems none of the scrap yards will take a boat because they are all fiberglass. 90% of them are anyway.

Gerald Ingold – it is on a trailer and the tires are inflated on the trailer. It could be flat bedded on a flatbed.

Sara Kuhn – one way or another it will be removed.

Gerald Ingold – thank you. Just a little footnote to it all the way this boat was disposed of by the folk that had it in his possession last year at 708 South Avenue was that he apparently obtained this craft and removed parts and then parked it on the street in front of his home with a large sign Free Boat. O.K. and from there it was moved to its current location where it has been moved I think three or four times around the property to where it currently sits.

Craig Alexander – that is not permitted either.

Gerald Ingold – once again thank you all so kindly for letting me speak and I appreciate the work that you all do. Keep up the good work, I know it is a difficult task dealing with these issues and I appreciate and I assured my neighbors that I would thank you all on their behalf as they requested I do. So thank you very much.

Mayor & Council – thank you.

MINUTES

Mr. Underwood made a motion to approve the Council Meeting Minutes of July 20, 2015.

Mr. Palumbo seconded the motion.

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

EXPENDITURES

Dr. Kincaid made a motion to approve the Expenditures of August 17, 2015 – Journal Vouchers – 0, \$0.00, CD Requisitions – 14 - \$76,043.23 – Checks #31813-31937 - \$1,345,255.23 for a Grand Total of \$1,421,298.46 and Expenditures of August 3, 2015 – Journal Vouchers – 1 - \$617,675.01, CD Requisitions – 0 - \$0.00 – Checks - \$31686 – 31812 - \$441,079.20 for a Grand Total of \$1,058,754.21.

Mr. Palumbo seconded the motion.

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

ITEMS FOR CONSIDERATION

Chris Blackwell – I appreciate you giving me the time to talk about some of these items and the first one is that Meg Balsamico submitted an application to Duquesne Light to replace 20 of the sodium lights, street lights with LED's and if you notice when you come down Frankstown past the Municipal Building if you notice how bright the new lights are and how much better they are. They are also I don't know what the efficiency is if it is 40% or 50% more efficient but the Municipality has 3,000 street lights approximately and we spend about \$47,000.00 a month on the maintenance and the electricity for those lights so she is only doing 20 a year which is about \$2,000, \$2,200 to do that, she did 20 last year put an application for 20 more this year she hopes to expand it for 50 next year, we use liquid fuels money to do that, so it is more of just pumping something that the Planning Department specifically Meg is doing and you can imagine if you could get enough funding or somehow to replace the others it is a lot of lights but it is important and just to kind of show that we are working on that sort of thing.

Mayor DeLuca – another thing with the new LED lights I was just thinking when I saw them cause I know doesn't Duquesne Light do like an estimate of what it cost us each month for each light. So with the new lights if we got twenty of them then that means the cost should have gone down for those twenty lights.

Chris Blackwell – yes absolutely. There is a cost for the replacement but over the long term the efficiency should be incredible savings.

Mayor DeLuca – so then your bill should go down a little bit.

Chris Blackwell – still talking 3,000 lights and we have done 40 but it is trying to make an effort there.

Chris Blackwell – the next item is Community Banners and Mayor you weren't here last month so we tabled this and basically I think everybody here is familiar with the Banner Program that we had maybe ten years ago there were some real stragglers and remnants of banners that were in just terrible shape so I sent the man an e-mail the company and my intent was to really embarrass them to come back and take them down but then they offered of course if you need a new program what do we have to do to make the town look better. So you see I am not necessarily promoting that we go back again with this company but they would like to come back to Penn Hills and if this is something that Mayor and Council want, I think at the time remember we had the Relay for Life Banners, we had Historical Penn Hills Banners and they replaced them out every couple of years I think, so really the question is should we like to initiate something again with this, basically they go after the business and the business pay for the banners and they pay for the program. Now my concern and you might notice in the contract this time I had a contract for you they are saying that there is some responsibility there for the Municipality and my biggest concern which I would want to add if we were ever going to do this again is that if there is certain time that passes where we are not in this program any more that they are responsible to take them down and I am fine with saying no we don't want to do it again. It is sort of a way to promote a business, I think Mrs. Kuhn last month you asked if they would do it without the advertising is there a way to make it more for Penn Hills and no so much

Sara Kuhn – last month when we talked about this Chris is the first time they did this because we participated in it the signs were just the business being advertised and I just didn't know if there was some type of logo that we could put on and then have the businesses name underneath. Banners are very nice in a lot of different places. If you go across the Homestead Bridge they have the banners of their baseball players and this and that and what have you, I just am not even though like I said my husband is in business and he went along with purchasing one but I just don't like to see all these banners with all these businesses because really and truthfully they are just miniature billboards. I am not really in favor of that but I don't think may be if we just did a street like Frankstown Road and had a particular logo that we wanted to put on there and

either put sponsored by and put the business name on the bottom, something like that, but I really am not in favor of having all these businesses with

Mayor DeLuca – no I really think we need to have a design or something.

Chris Blackwell – it could be something where I could ask them to give us a proposal and we might say 25% of the banner is business and we say no make it 15, my reason for being here right now about this is just to see if you even want to do this I could just say no forget it we are not interested it was more just to have a discussion about it. I noticed last time too it seemed to me you might have a restaurant and then another restaurant puts there banner in front of your restaurant. That is maybe a bad example but I do remember things like that happened.

Sara Kuhn – that is not really fair to that business and the other thing is they are saying that the Municipality has to take some responsibility. They are getting the money for this so no the Municipality doesn't have to take any responsibility.

Chris Blackwell – and last time we know what happened. Gerry ends up going to take down these terrible banners that are hanging there so I totally agree.

Mayor DeLuca – at one time the Chamber use to run the program and I think the last one

Chris Blackwell – actually I was on the Chamber Board at the time so it was cooperation between the Chamber and the Board.

Sara Kuhn – I am not saying I am a 100% against the banners but I am not in favor if the banners are just advertising businesses because not to repeat but they are just like miniature billboards.

Mayor DeLuca – I think it is worthwhile to maybe we can get the school district involved like the art students and come up with a couple of designs.

Sara Kuhn – that is a good idea.

Chris Blackwell – it is an advertising company, that is their business you know so they are just trying to sell their advertising so I think we could go to them and say this is what we want and if it is not right or not appropriate for their business then that is fine. We can say no.

Sara Kuhn – I see banners in different communities and they are usually on their main streets.

Chris Blackwell – the next item I brought to you and Mr. Underwood was adamant about his feelings last month but I think that from time to time I am going to

bring things to you that you don't like and it is more just to bring them and have a discussion about it and see if it is something to do and I go back to Sara was on Council when we had the Sex Oriented Business Ordinance and people would say like what are you doing but it was really to protect the town and it has so sometimes there are Ordinances and things that we do but in this case it is really that Code Enforcement and the chickens has become more popular with sustainability. People are interested in them and they want to have them so Code Enforcement has the Ordinance currently which allows one rabbit, one duck, one pot belly pig or animal from time to time that becomes popular as a pet. Chickens are clearly a farm animal and what makes a farm animal a farm animal is that it produces so cows produce milk, chickens produce eggs. We know that rabbits produce but it really is not a pet. So the chicken is difficult for Code Enforcement because they are going on the road and there is somebody with a dog or a rabbit or something and then here is the chicken and they are becoming more common and people are saying why are you allowed to have a rabbit or a duck and you can't have a chicken so I brought it here more because it has been coming up and then also I really wait for this is what happens when let's say one tone dump trucks were not permitted in single family homes when I started here but there were all these contractors that had them and they would come to the Zoning Hearing Board and they would come to the Planning Commission Board and get approval so there comes to a point where you say if five trucks are coming a year and you are approving all of them maybe we should change something so at that time we started to permit dump trucks in the side or rear yard just like an RV or something like that. So I was really waiting for someone to come forward and say and fight it at the Zoning Hearing Board and say I want chickens and Code turned it down but it just didn't happen it is not happening but it is becoming more and more I don't want to call it a problem it is just becoming more of an issue. So really I also included in here Ordinances that are very lengthy very complicated my proposal is just to actually add the sentence that we allow four chickens it could be two, but four chickens and no roosters are permitted. The roosters are problems because they make a lot of noise also people who want eggs people keep saying well how do get eggs, you don't want chickens. If you don't have a rooster you continue to get eggs and you don't get roosters that is the idea. So I would like to make it if we were to do this my proposal as it is written in there is to make it very simple. The City of Pittsburgh Code Enforcement Officers are having to measure sizes of lots they are having to count chickens I really don't think our Code Enforcement Officers have time for that. Then there are things in there about feces, we already have in our Codified Ordinances about how to handle feces that is already in there. They have in these Ordinance like Forest Hills about roaming free, we already have in the Codified Ordinances that no animal is allowed to roam free so to me it seems not to make it redundant but just to make it very simple and that is basically what I am bringing here to you is to try to assist Code Enforcement with dealing with the chickens. That is it.

Mayor DeLuca – how this all came up I did get a call from one of our residents that has four chickens and then they got a citation from Code and I know Nick has chickens he raises them for the eggs. So I told Chris to try and draft something up for people that want to have chickens for the eggs. I agree with Chris keep it simple four

chickens. What is your enclosure on your property Nick? I was thinking enclosing them in the back yard but it has to be fenced off but I don't know.

Nick Futules – we have a pen, like a chicken pen.

Mayor DeLuca – is there a certain size pen for chickens?

Chris Blackwell – do you want something in here to add that they must be penned?

Mayor DeLuca – the one resident that did get cited for chickens was letting the chickens run free. So I think we need to state in there they have to be in a pen or some kind of an enclosure.

Nick Futules – or a fenced in yard.

Chris Blackwell – o.k. so we will work on that.

Nick Futules – they can jump about 5 – 6 feet in the air and fly a very short distance but that is it.

Chris Blackwell – I noticed this year also for the first time ever I don't know if you go to the home show downtown and there was actually a whole section of chicken coops at the home show.

Mayor DeLuca – me I just think it a lot more work but I guess people like having chickens for the eggs. That is the new thing I guess.

Sara Kuhn – Mayor I just have one statement which I had made at the last meeting too and like I said I am not against chickens but the comment that you had made Chris was someone comes up and says well my neighbor has a pot-belly pig well so why is he aloud to have a pot-belly pig and I am not allowed to have a chicken. Now the only thing I am afraid of is that this Ordinance is going to make a turn around and then the people who have the duck, rabbit or pot-belly pig are going to come up and say well they are allowed four chickens so I mean how do we maybe should we ask the solicitor how do we establish that the chickens are allowed to be four is that legal to do?

Mayor DeLuca – can't we get rid of the pot-belly pig? Get that out of the Ordinance that Ordinance was for the one house

Chris Blackwell – I think the pot-belly pig thing was at the time they were just popular, I don't think the town has been run over by pigs I don't think it is necessary to take it out. In the meantime and the reason I said four I was looking through other Ordinance and they are talking about that they are communal animals and they need more than one so I kind of go along with that.

Sara Kuhn – we have nothing on the books about chickens right?

Chris Blackwell – that is correct.

Sara Kuhn – so in reality how are we even citing somebody who has chickens if we don't have anything on those?

Chris Blackwell – if there is something that is not in the Ordinance it is not permitted.

Sara Kuhn – so that is why.

Chris Blackwell - yes.

Sara Kuhn – I don't know we have so many problems with Code Enforcement as it is I hate to add to it but on the same token it is very hard to tell people if you do permit x, y, z why you can't permit chickens too so.

Chris Blackwell – I think also they have become very common and you can see the City of Pittsburgh it has its whole Chickens in the Hood web-site and it very common.

Mayor DeLuca – I think you are going to get to many people and say like hey I am going to go out and get chickens.

Sara Kuhn – I hope not because if you have a street and one resident wants chickens but their neighbors don't want them to have chickens then you have that problem. Is there any problem with odor with chickens?

Nick Futules – If you don't care of it there is.

Sara Kuhn – cause I mean just with the situation with the dogs I don't want to pass an Ordinance and because somebody wants chickens but their neighbors might not be happy.

Mayor DeLuca – they don't make any noise do they Nick?

Nick Futules – not much no.

Ed Schrecengost – I just saw a chicken coming up Hulton Road, the first house on the right, they are out on the street.

Mayor DeLuca – that might have been the person who got the citation because they are letting the chickens roam.

Craig Alexander – to answer your question about the four ducks and four pot-belly pigs, four rabbits, four chickens you don't have to have the same number of one animal to be able to have more of another animal. As long as you are reasonable you will be fine.

Sara Kuhn –how are we going to address let's say if there are apartments. They are not permitted to have chickens right?

Mayor DeLuca – no because they don't have the space or land, you need grass for chickens?

Craig Alexander – it is the same with establishing set back areas when you have larger yards vs. smaller yards there is no room to have backyard chickens in an apartment building.

Sara Kuhn – I am saying the terminology in the Ordinance we are going to have to put something on that fact because I don't want someone coming up here and saying I only have one chicken.

Craig Alexander – I am certain that there is a minimum amount of spacing requirement.

Sara Kuhn – that is what I am asking.

Chris Blackwell – we have no requirement like that but it does say per household in the Ordinance and I have never had we allow bees we have had no bees in apartments some of these things we have had nobody had chickens in an apartment or bees but it does say it should be considered to be a house hold pet and not a farm animal. So I think we are talking about households and I think Code Enforcement can support that. To say no it is not permitted you have you live in a single family home.

Sara Kuhn – so I am assuming if you are making an Ordinance you can put in the Ordinance that it has to be a single family home, if you are writing up an Ordinance what is the problem in putting that in.

Mr. Underwood – I wasn't prepared for this and I will tell you I was going to be nice but I will say this much I have been in the Municipality many years now I won't be specific but I know it is quite a bit. I have always been told that this is a bedroom community it is not a farm country does this lend o.k. us moving that direction to be a farm country instead of a bedroom community? I am starting to wonder about this.

Mayor DeLuca – it is not so much like moving toward a farm community apparently it is like a trend, if my neighbor wanted four chickens I would rather have him have four chickens than pot-belly pigs in their back yard.

Mr. Underwood – well that is where your Ordinance comes in to be changed to say no pot-belly pigs but when you open the door for the horse to gallop out it is gone if you open the door this time

Mayor DeLuca – we don't have to open up to anything else we are just helping Code to be able to regulate what is going on with these chickens. We already have several residents in Penn Hills that have chickens.

Mr. Underwood – so just pass it no chickens.

Chris Blackwell – I just want to make one statement about the Pot-belly pig it actually lives inside the house.

Craig Alexander – have we ever heard of City Chicken?

Wendy Reitnauer – I was here last February talking about the Dog Ordinance and it was the idea and it wasn't a leash law it was dogs left out in extreme weather, cold or hot, left unattended for hours it was very specific and clear about abuse that kind of neglect. Now that kind of thing can be that man and woman that were here before that could be a perfect situation to take care of those animals that are abused. She said that he is an elderly man he can't even get over the hill to take care of them. So o.k. that can go with this chicken thing too because you got to have in Penn Hills an Ordinance about proper care of the animals that anybody has under their care. So if people choose to have chickens then it has got to be put something in the Ordinance that they are housed and attended to. You don't have to say you have so many feet of land just that they have a proper coop and run. Forest Hills has a very detailed Ordinance and it is good but it is really detailed even to the thickness of the wood. I don't suggest that but you have to say something because I know a lot of people say I want chickens and they jump into things and they don't know what it entails. We had eleven degrees below zero last winter you got to have animals that aren't going to be freezing so you got to have something in the Ordinance at least they are kept in a well warmed coop and run that they have a place to exercise. I mean you don't have to get into measurements if you don't want to but something about making sure the people have good intentions but they are kind of stupid and they don't look ahead and they don't plan and therefore the animals suffer and that is what all of us don't want is the animals to suffer. I don't think we would object to animals just like the people that were here but people don't take care of them and then they become a problem to people so chickens are not noisy they make little clucks like the crows up in the trees. I suggest for the four to six animals because you say they are communal but because they also keep each other warm in the winter so if you lower it down to two it isn't even worth having chickens. You got to have at least four to six because they keep each other warm in the winter. Getting two while would you build a coop for two chickens I mean it is ridiculous so it is an investment to do all that. Also something nobody ever talks about that is really pertinent especially in Penn Hills that chickens are on the

Pennsylvania Web-Site as a controller of ticks. People get them and other foul which are very noisy and people don't want those in their neighborhood but chickens are a good substitute for foul for eating ticks and I know people who have used them to control Lyme disease in their yards. We have so many deer and we have a tick population that is out of control all around Western Pennsylvania and they are recommended as a way to control. You can't spray your yard for ticks there is no way to take care of them but these chickens are on the Pennsylvania Agricultural Web-Site as a way to control ticks and they work. So it is not just a fad it is not just people want them because a lot of people jump into stuff and they don't plan yes and then animals suffer because they are not attended to but there are other reasons other than fads that people want to keep chickens. They are not noisy they are not smelly. If you are thinking of a chicken operation of 500 chickens and you drive by it on the turnpike yes it stinks but if you have five or six chickens it doesn't stink. It is not a problem. They are not noisy. My neighbor's dog is noisier than four or five chickens would be and he barks constantly. That is just my feeling about it. I have talked to numerous people about it I have signatures of people who want the Ordinance in Penn Hills. They were willing to sign the Ordinance yes we want to be able to have chickens in Penn Hills.

Mayor DeLuca – you say that Forest Hills has an established Ordinance?

Wendy Reitenauer – yes. It is very detailed.

Chris Blackwell – it is in your packet. It is lengthy.

Wendy Reitenauer – I saw the City of Pittsburgh logo on one of those, I didn't see a Forest Hills one. Forest Hills I have read it and it is pretty good except they go into extensive detail about the size of the fencing, the size of the holes in the fencing but it all is well thought out because weasels can get through you want to have small fence, chicken wire is too flimsy, raccoons can get into them in a snap. So it is well thought out and people could learn on their own. You could go on a chicken coop tour that they give in the City of Pittsburgh and see how beautiful, I mean woman get into this they decorate them they are beautifully painted and their husbands build them and it is something people like to do as a family and then the kids tend to the eggs and it is a family thinking it is not just a dirty farm yard thing. People paint them all different ways you just have to open your mind a little and see that it is something that young people are interested in doing.

Mayor DeLuca – let me ask you this I really don't know a lot about chickens, would you be willing to look through Forest Hills Ordinance

Wendy Reitenauer – I have already done that. I didn't bring it with me.

Sara Kuhn – I think what the Mayor meant you said that you were familiar with the Chicken Ordinance and if you could cross out some of the detailed.

Wendy Reitenauer – I actually already did that.

Sara Kuhn – I agree with you 100% and my goal is if this is passed that the Ordinance speaks to the care of it so that we don't have problems for the neighbors who aren't wanting them. So if we can put in the Ordinance as I said I didn't read all through it I will be honest with you, if we could put an Ordinance together that specifies the exact care that should be taken then that is fine but that is what we should have with everything.

Mayor DeLuca – if the Forest Hills Ordinance is in here if we don't need all of it then let's get rid of some of it.

Chris Blackwell – it is very extensive it says any number of fish I don't think that is what we are looking for. That is what I am getting at.

Sara Kuhn – but we do want to show something that the person who has the animals whether it is dogs, chickens or rabbits. That we say well this is what you have to do in order to keep these. So we want to have it in there in order to protect not just the animals but you are also protecting the residents.

Chris Blackwell – it actually has two dogs, two cats it really is extensive. I think that is my question really is to go with something small just amending what we have or a fuller Ordinance and I understand I think it is a good idea. We will do that.

Mayor DeLuca – I agree that we should have something about the care of the animals, the chickens and

Wendy Reitnauer. – that is the big problem with Penn Hills there is no Ordinance to protect animals that people take on whether it is dogs or whatever and then they don't care for them and then the neighbors who have conscious see this going on and they are worried and it and like we talked in February the human society having two officers they don't do anything about it. It is not their priority that is why a Borough has to have an Ordinance that protects the animals. It raises the level of the people who want to live in a Community when they know they are not going to be living next to people raising fighting dogs in their back yards and keeping them in kennels. Nobody wants to live like that. So a Borough has to specify the care of animals because of the people who won't do it on their own. O.K. thank you.

Mayor DeLuca – thank you.

REPORTS

Mrs. Kuhn – I just want to congratulate the Parks & Recreation on our Community Day. The location was perfect the way it was set up was perfect and I think that Penn Hills needs to have that because of the fact that most Communities do have

something and I feel that we were behind so I was glad that we decided to do that and have the fireworks. I thought that it was well attended for being the first one and I am sure that everybody who talked about it and just by word of mouth next year it will be even bigger. I know that the vendors were basically all Community people and that but I didn't know if we could ask John if he would think or if it is going to be a problem for the other vendors who are local but if there would be more food because that was one of the things that everybody came up to me when I was walking around the whole day and they would say isn't there any stands that have funnel cakes or something like that so I didn't know if that was a possibility or not but that is the only question that I had that was negative to a point.

Mayor DeLuca – if you remember John just brought that up I think it was in February and asked us about the idea I think for next year they will start the planning phase a little bit earlier and start moving things around. He was talking about hot air balloon rides.

Mrs. Kuhn – I think for the first year done on the spur of the moment as it was it had a very good turnout.

Mayor DeLuca – the only question I have Craig if you can answer it Fireworks is that a Professional Service. If it is over \$10,000.00 or do we have to have the Fireworks under \$10,000.00?

Craig Alexander – well it would be under \$18,500.00 and you could do a phone quote. I don't know if it is a Professional Service let me think about that I don't think that it is a Professional Services because there are other companies out there that do firework services and I am not certain if it is a Professional Service.

Chris Blackwell – looking in the past at the ones we did Zambelli gave us an incredible deal so it might be worthwhile to get other prices but who knows this is normally \$20,000.00 and we are giving it to you for \$10,000.00.

Mayor DeLuca – I was just wondering because I know this year it was under \$10,000.00 and that was one of John's questions if it is over \$10,000.00 does it have to be bid out because if it does then he has to get that process out a lot earlier.

Mr. Underwood – I was fortunate that I was able to attend that day and I specifically went to each vendor and talked to them on what they felt that the day was for them whether it was good because they are there to sell their merchandise or show their services. I received nothing but positive comments out of everybody so that is a sign from them a feedback and what you have also heard from us too of what we observed, that is a positive and we will try to continue to work on getting everything better starting with next year.

Mayor DeLuca – I also want to say the Summer Festival was fantastic, the bands were great, I saw Howard coming in did he leave, Howard did a good job with the bands and hopefully he will help us next year. I really enjoyed them. Also, I don't think this was passed on to the rest of Council but I did get a letter from one of our Penn Hills Residents who wanted to thank us for the EMS what a great job they did she passed out in her shower and Michael and Paul were the EMS people that showed us and she just wanted to say how professional they were showing up and how competent and they made her feel reassuring. I will give this to you Maureen so you can pass this on to Diane.

Maureen Sorce – o.k.

Mayor DeLuca – o.k. with that I will entertain a motion to adjourn the meeting.

ADJOURNMENT

Mayor DeLuca entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion

The meeting was adjourned at 8:58 P.M.

DATE

MAUREEN SORCE
MANAGER'S SECRETARY