

## **JULY 20, 2015 COUNCIL MEETING MINUTES**

The July 20, 2015 Council Meeting was called to order at 7:34 P.M. in Council Chambers at the Municipal Building. Deputy Mayor Sara Kuhn presiding.

### **APPROVAL OF AGENDA ITEMS**

Deputy Mayor Kuhn – The Mayor is not able to attend today so I will be handling the meeting. There will be one adjustment to the Agenda being that the Mayor isn't here we will have the Appointments for The Traffic Safety Committee done when he is here as is stated under The Home Rule Charter. With that being said may we stand for The Pledge of Allegiance?

### **PLEDE OF ALLEGIANCE**

All stood for The Pledge of Allegiance.

### **ROLL CALL**

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

Also present were Municipal Manager Rayan, Manager Secretary Sorce, Finance Director Schrecengost, Planning Director Blackwell, Engineer Minsterman, Solicitor Alexander and Police Officer Doudna.

### **CITIZEN TO ADDRESS COUNCIL**

Mr. Jim Getsy – 151 Crescent Hills Road – thanks for putting me first on the Agenda because I see you have quite an Agenda here this evening.

Deputy Mayor Kuhn – yes we do.

Mr. Jim Getsy – It started off last month when I came to a meeting here with no intention of saying anything just being an observer but during the course of the meeting I heard the word HUD, Housing Urban Development talked about by Council. As you probably know I spent 34 years with Housing Urban Development, The Community Development Block Grant. I have been involved in it almost exclusively from 1975 until now. The fact in prior Council Meetings I was told I wasn't here but I was told that HUD had been mentioned in connection with the condition of this building and that made me very curious why would HUD have anything to say about the building itself when in my experience they never interfered in any type of Municipal activity. But the review was for the accessibility for handicapped which had really begun when I was with HUD but I

see it has taken on a lot more importance now it is almost a sub-section of the regulations being dealt with separately apparently by this. I was curious of what HUD had said about it and as a result I got a copy of this draft Compliance Agreement that was drawn up some time ago which was very interesting reading if you were a former bureaucrat. But none the less I am going to contain my comments tonight or my questions. I was interested in seeing what comments HUD may have made about this building because my impression was and if I hadn't worked for HUD my impression was that somehow HUD was an instigator or a mover in your vacating of this building. I was wondering what rule they had to play in that. Well after I looked through this draft and I think the issues will be re-examined probably in four months if you are going to have a six month review again with HUD. In that case the highlights of what I want to say are the parties agree that Penn Hills will begin the Program Year 2015 strive to expand approximately 10% of the CDBG Grant for corrective actions on The Compliance issue. The only issue I want to address is the Municipal Building because the parties agree that re-grading either both parking lots to achieve UFAS Compliance for parking spaces but it says it may not be entirely feasible given the topography of the land and the available financial resources. I don't know what the projected cost of that would be there seems to be some negotiable area in here where it could be decided if this was a feasible project. There is a slope issue which I am not sure I totally understand but it says slopes will be appropriately graded at that time and the other sections say parties will negotiate over what if anything will be accomplished so again let me say there seems to be some negotiating room in this entire process. Now I am not sure if there is any pre-agreement of understanding between the Municipality and HUD over these items or if this is going to be obviously it is not going to be new to anyone but if the conclusion of these items will be modified in anyway. The reason I come and do this is because HUD was mentioned in the meeting I was at and apparently in some meetings prior to that. I thought if it is significant enough for the idea that you bring HUD into the conversation at a public meeting then I thought it would be significant enough to look into what HUD has actually said about this issue. Now you stated and it was recorded in the paper HUD's interest is only in the handicapped accessibility issue and not in the building as a whole. As I read through this I could see there is a four point item here that only talks about the accessibility issues and not the building as a whole. If I had not been a HUD person in reading those or sitting in a Council Meeting I would have assumed that there was some interest from HUD to vacant the building or do something with it but that is not the case it is only accessibilities issues and the parking lots I think I mentioned there seems to be some room to negotiate. Anyway I think that HUD should not be mentioned in the total picture of the building because my impression would be that they are acting as some type of Federal force to get you to comply or get you to move or something else and I don't think that after reading this I see that is not the case. So that is what I think because I think it was significant enough at least address the issues that HUD has specifically mentioned. Thank you for your time.

Deputy Mayor Kuhn – Mr. Getsy – just to clarify because I don't want you to think and I don't want the public to think that we were saying HUD was telling us to do this that and what have you with the building. If you look at the minutes at the meeting that

you were at it has here – Mrs. Kuhn – Moe we did not say that HUD had said that we have to put on a roof. Moe – no I mentioned that earlier. Mrs. Kuhn – but they did state that if we didn't do what they are requiring us to do then we would have a problem with receiving funding. So we are at the decision of do we start putting money into this building and then down the road have to put the roof on and all the other repairs so that is our dilemma but HUD has never told us that we have to do those repairs.

Deputy Mayor Kuhn – so I mean I did clarify that at the meeting so I don't think anyone at the meeting would have been under the impression as you stated if they weren't familiar with HUD that they were thinking HUD was telling us that we had to do that. I clarified that at the public meeting and it is on record and that was our dilemma. Now we were told by the Manager that there was sufficient monies that HUD wanted to have put into this building to pass the HUD specifications. Is that correct Moe?

Moe Rayan – the whole thing started with the negotiation of the Agreement itself. Mr. Getsy mentioned himself that there is an agreed upon percentage to be allocated to the building on a yearly basis which is nothing new. We have spent about 0 – 10% of HUD money in all our Municipal facilities so it was kind of put on paper through the Agreement so.

Deputy Mayor Kuhn – were they not telling us that we needed to put in a new elevator

Moe Rayan – oh absolutely, yes. Mr. Getsy has the report it is all in the report; we did not make that up. It is all in the report they wanted the unisex bathroom down here, they wanted the parking lot re-graded, all the sidewalks in the front, other facilities they wanted elevators, so we looked at these numbers and without having some type of a negotiation with HUD we were flat out told by folks from Philadelphia via telecommunication and a video conference we were told there were no monies coming to Penn Hills if we don't comply or sign the Agreement. So in order for us to receive the HUD money and put the money where it needs to be we had to sign that Agreement to take that money spend it in the entire town and try to get some money spent into this building again it wasn't enough to make us move out of here because as you mentioned there is room to negotiate but it is not feasible to do the parking lot is about \$80,000 to \$100,000 to re-grade the parking lot is the same on the other side. So there is significant cost involved in the event that we can just address those couple of items that you mentioned there Mr. Getsy so

Mr. Getsy – it seems to be up in the air. Now I know the Agreement it references the ultimate penalty of losing the Grant but let me say before you would lose you would receive plenty of notification of what the problem was and the way you could correct it.

Moe Rayan – we have been talking to HUD since 2012. So it is 2015. It was this year that we weren't going to get any funds from HUD if we didn't comply. If we think your way there is room to negotiate and this and that but when we are sitting Downtown

at the Federal Building Chris Blackwell and myself in short of having the attorney coming down with us we were told that this is it. I didn't work for HUD you worked for HUD so I don't know how HUD operates but the way it was put to us from Philadelphia and other folks if we don't sign there is no money coming to Penn Hills and we weren't going to walk away from \$600,000 - \$700,000.

Mr. Getsy – yes I agree you can't walk away from it but what I am saying is before you lost that kind of money there would be plenty of notifications that you need to do these things. Now what you have here is a draft Compliance Agreement which says you are going to do these things if you sign it and apparently you will.

Moe Rayan – it was signed and approved at the last meeting. So it is an active agreement.

Mr. Getsy – alright, well the other thing is I notice in here that they specifically mention the four service agencies and some time back I heard a rumor that they were going to require elevators in these agencies well they specifically state in here there are not going to be elevators. (inaudible) There is a lot of negotiating room and there are words like unfeasible or impractical so I think

Moe Rayan – but that was our language that is why we negotiated with HUD to be assertive in the Agreement within a reasonable matter or a reasonable way. But again getting back to your subject this was not a string that we were hanging on that HUD's making us move out of the building as Mrs. Kuhn clarified at the last meeting by questioning me nor did I ever say that HUD told us that we need to get out of here that we were told by HUD that either do the work that is required or leave that was never a conversation that at least I don't think that I said something like that that we are building a new building because of HUD.

Mr. Getsy – what I said is mentioning HUD was a condition of the building would to many people because people had said to me why is HUD forcing them to do that and that is why we came here.

Moe Rayan – regardless, what people need to understand had we talked about those items that needed repaired as a requirement by HUD you still are talking in the hundreds of thousands of dollars. Whether they are negotiable or not at a later time but at the time they were part of the ADA Requirements.

Mr. Getsy – I don't know if there are any figures to address these corrections.

Moe Rayan – well the last time it was about \$80,000 and it was in 2003 I can't remember the exact but we spent a lot of money to do this parking lot so just looking at a square yard cost per square yard there is a significant cost. To replace our elevator right here that is \$100,000.00 I am talking these are real numbers. Even if I am making them us they are pretty close.

Mr. Getsy – why would you replace the elevator?

Moe Rayan – well because it is broken. The last time we had the folks here they have been telling us we don't have any more parts. So there are other than HUD and I mentioned to you at the last meeting please don't bring HUD into the picture because it was never intended to have HUD as the focus for us to get a new building.

Mr. Getsy – I know it wasn't the focus but it was alluded to and that is why I am here because hearing the words HUD made me think what is HUD's involvement.

Moe Rayan - \$500,000.00

Deputy Mayor Kuhn – and as I stated I thought that I made that very clear at the meeting that you were in attendance when I said Moe we did not say that HUD said that we have to put on a roof on the new building but what we have is a dilemma that we have to make a decision do we want to start putting \$250,000 - \$300,000, \$400,000, \$500,000 of what HUD is asking us to do into a building that we know is not going to be substantiated in years to come. So that is why HUD was brought into it. That we were trying to say is just like a car if you had to put in say to pass your inspection the Federal Government is not telling you to buy a new car or the State but they are telling you that to pass your inspection you are going to have to put maybe \$800 into the car so then you say to yourself well the car is worth \$1,200 is it worth it for me to put this \$800 in to get it inspected. That is the exact same scenario that we were placing before you and I feel that I couldn't have made it any clearer to anyone I came right out and said HUD is not saying this the dilemma is HUD wants us to put money into this building do we as Mayor & Council feel that we should be putting money into a building of this amount when the building is not what it needs to be and that is all it was. I don't, if you didn't understand what I said I don't know how much clearer I could have made it.

Mr. Getsy – what I understood is what I read in here.

Deputy Mayor Kuhn - you read where?

Mr. Getsy – in the draft Agreement.

Deputy Mayor Kuhn – I never worked for HUD so I don't have the knowledge that you have as to what HUD said I am talking to what was stated at the Council Meeting pertaining to HUD and this building.

Mr. Getsy – I understood that conversation but I want to say is disagreement pertains to this building you don't know how far down the road you are going to have that other building and they want accessibility in a building that is being funded by HUD or a program that is being funded by HUD.

Deputy Mayor Kuhn – but when you stated Mr. Getsy with negotiation you said there is a lot of negotiation and there is time for the negotiation. If HUD would say that and if there is from what you are saying time for negotiation I think if we said to them we are building a new building we would be done in such and such a time then perhaps their negotiation would be that they would not make us do these things at this time.

Mr. Getsy – this I am which alluding myself to it says the parties will then negotiate over one if anything will be accomplished for this item. So there is room for movement as I understand reading this but the conclusion will be that there is room to negotiate and you will not be hit with fixed cost.

Moe Rayan – well the reason that language is in that Agreement sir is because HUD is aware that we are in the process trying to start the construction of a new building. We were allotted to leave three to five years in the Agreement to accomplish the work whichever comes first.

Mr. Getsy – well in my experience and I am not here to represent HUD in my experience unreasonable kinds of demands financial or construction nobody ever said you have to move out of your building nobody said you have to put a roof they just addressed the issues that were accessibility and that is all it is. You take these correcting the accessibility issues compared the cost of a new building why it is insignificant.

Mayor Deputy Kuhn - what is insignificant but it is part of what I keep trying to explain it is putting good money possibly into a bad situation and then if something would happen and then we would have to build a new building then we would have residents coming up and say well why did you spend all of this money on these renovations.

Mr. Getsy – you spent the money because the Government required you to.

Mayor Deputy Kuhn – right but what I am saying we are going around in a circle Jim one part of you is saying that we don't have to do all these things that HUD is telling us to do we can negotiate not to do it and they are not going to make us do that. I don't work for HUD. I don't know if that is the way that they run things I go by the information that is presented to us by the Manager and Chris when they went to the meetings and that was not what was presented to me so I don't have the experience that you have of knowing what HUD is going to do and what HUD isn't going to do. I go on the information that is given to me and as I said we are at the decision do we start putting money into this building at this cost when we feel that this building, this building was built in 1939 the addition was built in 1954 so do the math there has to be things in this building that in 1939 that would never pass what you would have to do now so I realize some people are against the new building and that is your prerogative and anyone else's but this Council has shown in the last ten years from where we started to where we ended up that we are not a frivolous Council we do not have padded things in our

Budget we work very hard to get to where we are at and it is somewhat insulting to think that we are going to go ahead with this building on a spur of well we don't have anything to do let's build a new building. We built a Public Garage Building because of the fact that Public Garage Building was falling apart. We built a new Library because there was mine subsidence under the Library. They closed the Library for a few months so we built a new Library. So if those buildings went down and they were nowhere near the age of what this one is then it has to be anyone's common sense that this building is not up to the proper codes that it needs to be up to. No one ever stated and I said that I don't know how you could have missed this I came right out and said HUD never said that we have to do xyz but we are in a dilemma and we have to make a decision are we going to keep putting money into something that we don't know and when we did this it just wasn't oh one day we said let's do this, we looked into this. We had prices which I believe your wife received on what it would be to bring this building up to where it should be. I met with the Manager and my Financial Director who has gotten numerous awards for the way that he conducts his business here. We went over to see if this was going to be feasible, if we would be able to do this. We did not just do this because we didn't have anything better to do and even though some people are not in favor of it that is their privilege and that is their prerogative but please don't say that we used HUD that is not what we said. HUD's name was brought up but the only reason HUD's name was brought up was because HUD was asking us to put hundreds of thousands of dollars into this building and we didn't know if we wanted to do that when we felt that we needed a new building. So that is the jest of it now as far as negotiating this and this might not be negotiated that might not be negotiated I don't know. I don't negotiate with HUD so you have something over me on that but the bottom line is and that is what we looked at. We decided to build the building because in five years from now, I am not going to be here and I don't know who else will be I don't want that Administration to go through what this Administration did because of the fact they didn't want to do something that wasn't popular. Nobody wanted to take care of the sewers nobody wanted to answer anything about the sewers because you know why nobody can see sewers you can see new streets, you can see a park but you can't see sewers. So if you spent your money on a sewer problem the residents aren't going to be applauding you when you walk into a room because they don't know about the sewers and what did that teach us. We were in over our heads for years because of the fact we did not take care of the business we had to take care of. Now anybody on this Council if we could pave every street in this Municipality we would do it and we would be applauded by everybody and you have to remember to the bond issues that we financed the monies that we are paying for the bonds weren't brought in by this Administration it was brought in by previous Administration and we are paying their debt because when somebody came up and there was problem with streets they said we will float a bond. We will float a bond so they floated a bond. I came in November 1, 2004 with no Budget that was passed for 2004 and I had to vote on a bond for a million dollars because December 31 there was a payment due. This Council is not frivolous. What we do we do very hard we look at all the possibilities and this is one of them. I know like I said nobody wants new schools nobody wants new buildings but that is part of the decision that we as Mayor & Council have to make and I will tell you this any decision that I make up here at

that point in time I believe that is the best decision for the residents and taxpayers of the Municipality and maybe somewhere down the line I might be proven wrong but at that point in time when I vote I have done my homework and I feel that this is the best thing for the residents that I represent so I appreciate your comments Mr. Getsy and I think you have presented what you feel, the Manager has and I have and it is o.k. to disagree and one thing I want to thank you for at least you are not disagreeable.

Jim Getsy – well let me say this. You have given me a lesson let me just say this you have signed an Agreement now saying you are going to comply with these HUD requirements that you are going to do. You have an Agreement now and they are not looking at the new building they are looking what you have now in place to make it handicapped accessible.

Deputy Mayor Kuhn – well it is my understanding that those negotiations and that language was put in because of the fact HUD was given the information that a new building was a possibility coming to be, am I right Moe?

Moe Rayan – they are fully aware of that yes. We have e-mail communication, myself, Chris they are fully aware even from the discussions with them at the meetings so it is not like they don't know.

Jim Getsy – well if you can get anything in writing from them saying you are absolved following this Agreement I would like to see it but in the interim

Chris Blackwell – Jim, you talk about negotiations and the negotiations are over. I have 45 - 50 pages, 120 items that cost half a million dollars not just in this building, 26 items in this building that they are still requiring and the negotiation is over. If this Council did not sign that Agreement by June 20 they were going to hold up our money indefinitely and put us on a list of being in violation of civil rights so the negotiation is over. It would have been half a million dollars in this building they are still requiring \$100,000 worth of work here that is why there are new doors here, that is why you have push button doors coming into this building so even still they are requiring these things and as Mr. Rayan said part of the negotiation the reasons were taken out is because they feel that we are going to be building a new building in the future and they believe that we will. I have a list here with dates of things that have to be done next year 2016 so that is why the parking lot is striped they are asking for us to tear up parts of the sidewalk, there are some things that they have taken out with the understanding that we are building a new building. But the negotiation time is over.

Jim Getsy – so do you have a final copy?

Chris Blackwell – yes we do. We walked the building with HUD and their Engineer, we went through this building and all the other buildings and there weren't many concessions I will tell you.

Jim Getsy – in conclusion let me say that all these requirements that they have will be paid out of the CDBG money and that is taken care of. They have the requirements and the CDBG money is going to pay for it also. HUD puts this program out that they are paying for it and if you look around any where you go you can see the accessibility efforts are being made with department stores and anywhere else and because you are getting HUD money and if they are asking you to meet some of the accessibility requirements it is just fair. With that thank you for your time.

## **MINUTES**

Mr. Underwood made a motion to approve the Council Meeting Minutes of June 15, 2015.

Mr. Palumbo seconded the motion.

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

## **EXPENDITURES**

Dr. Kincaid made a motion to approve the Expenditures of July 20, 2015. Journal Vouchers – 0 - \$0.00, C.D. Requisitions – 3 - \$37,545.00, Master 31561 – 31685 - \$1,451,740.32 making a Grand Total Amount - \$1,489,285.32. July 6, 2015 Expenditures – Journal Vouchers – 0 - \$0.00, C.D. Requisitions – 11 \$40,824.81, Master 31368 – 31560 - \$1,045,344.84 making a Grand Total Expenditures of \$1,086,169.65.

Mr. Underwood seconded the motion.

Deputy Mayor Kuhn – Moe I do want to state on here and I apologize I forgot to bring the gentlemen's name who called me about the high grass next to his house and he had called last year and I had given you his name and I did ride over there and look at it and it is very terrible and I tried to explain to him that the Municipality cannot cut on a regular basis every house that has high grass and I do see Check #31392 to John Capone, is that for the high grass cutting, am I correct?

Moe Rayan – that is correct, yes.

Deputy Mayor Kuhn – so just with that invoice alone it is \$6,740.00 so I did explain that to them but what I am asking under our Ordinance that we made as making the banks be responsible for houses that they have and if they are just leaving it sit can we now make them responsible for this because it is very sad when you live on a street and take care of your home and you go outside and sit down and you have to look at something so terribly not taken care of.

Moe Rayan – I was just going to respond real quick all these mortgage companies and banks are provided the opportunities to respond to the violation and some of them have responded and took care of it and some them are stragglers a little slower than others and the ones that don't respond those are the ones that we send our Contractor to cut it however it is not cheap it is about \$400 bucks a pop. So what you saw Mrs. Kuhn was \$6,000 at about 12 homes at best.

Deputy Mayor Kuhn – is there a reason that it is so high is it because of the fact that the grass is so high because I know I have a grass cutter and he cuts my grass for about \$50.00 a week.

Moe Rayan – actually it is cheaper than the first time when we did that program at the beginning of the season we were right around \$500 - \$600 a cut so we went ahead and rebid the jobs and we were able to get lesser however it is still very expensive to do so. \$400.00 each time they go out and cut grass.

Deputy Mayor Kuhn – the other thing is when the banks do not respond, maybe the solicitor can explain this to me what do we do then?

Craig Alexander – I believe we passed a new Ordinance and there would be a penalty provision in that Ordinance and we would just have to enforce it at the Magistrates.

Deputy Mayor Kuhn – o.k. because of the fact and I don't know is there any way to advertise and put a list of banks who do not do the job that they are suppose to do in the Communities and maybe embarrass these lending institutions.

Craig Alexander – we could do that.

Deputy Mayor Kuhn – is that legal to do?

Craig Alexander – sure.

Deputy Mayor Kuhn – maybe we will look into that then. Thank you. I think I have one other too.

Deputy Mayor Kuhn – under Hunters Truck Sales & Service, \$74,912.25 and that is for a 5-ton Cab and Chassis, that was budgeted, am I correct?

Moe Rayan – that is correct. It is in the 2015 Budget and it is a 2016 Cab and Chassis for Public Works Department.

Deputy Mayor Kuhn – o.k. thank you very much.

Deputy Mayor Kuhn abstained from check #31659 to Don Kuhn Auto Body and Check #31409 and #31543 to Don Kuhn Auto Body and yes to all others.

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

## **RESOLUTIONS**

Mr. Palumbo made a motion to approve **Resolution No. 2015-039** ratifying the action of The Municipal Manager in entering into an Agreement to become a participant in The G.A.R.D. Trust.

Dr. Kincaid seconded the motion.

Deputy Mayor Kuhn – Moe I just have one question when I was reading this it was saying that there is no cost.

Moe Rayan – correct.

Deputy Mayor Kuhn – at no cost to the employee or the Municipality, is that correct?

Moe Rayan - that is correct, yes.

Deputy Mayor Kuhn – o.k.

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

Mr. Underwood made a motion to approve **Resolution No. 2015-040** extending A&W Communications, Inc. Contract for Telephone Equipment Maintenance for a period of One Year.

Dr. Kincaid seconded the motion.

Deputy Mayor Kuhn – Moe I just would like the public to realize that this contract is the current rate that we have so there was no increase, correct?

Moe Rayan – that is correct.

Deputy Mayor Kuhn – nice job Moe.

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

Mr. Palumbo made a motion to approve **Resolution No. 2015-041** ratifying the action of The Municipal Manager of entering into a Contract with Cargill, Inc., for the Bulk Delivery of Rock Salt for The 2015-2016 Winter Season.

Mr. Underwood seconded the motion.

Deputy Mayor Kuhn – Again Moe I see that this is ten dollars less than the base bid submitted last year. So that is a big help for us.

Moe Rayan – that is correct. Hopefully we don't have to buy a lot of it.

Deputy Mayor Kuhn – I hope we don't get as much snow as we have had rain.

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

Dr. Kincaid made a motion to approve **Resolution 2015-042** authorizing the Execution of Agreement(s) with The Allegheny County Department of Human Services/Area Agency on Aging to provide services and programs to Senior Citizens in the Total Amount of \$316,340.00 for the period of July 1, 2015 through June 30, 2016.

Mr. Underwood seconded the motion.

Deputy Mayor Kuhn – when I went through this, Phyllis isn't here, I did see that they make the language as Contractor and Director. I am assuming the Contractor is the Municipality, is that correct?

Moe Rayan – correct, yes.

Deputy Mayor Kuhn – and because some of the things is under the overall supervision of the Director of the department so is that stating that the Director of the Senior Center is

Moe Rayan – Administration.

Deputy Mayor Kuhn – it still goes through the Manager's office?

Moe Rayan – yes, yes.

Deputy Mayor Kuhn – o.k. thank you.

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

Mr. Underwood made a motion to approve **Resolution No. 2015-043** amending Resolution No. 89-073 adopting Policies and Procedures implementing Section 504 of The Rehabilitation Act of 1973.

Dr. Kincaid seconded the motion.

Deputy Mayor Kuhn – Moe I did see that there was attached to our Resolution a grievance procedure form. Are these made ready to the employees that they realize they have these if they want to perform a grievance, did they make these out?

Moe Rayan – yes.

Deputy Mayor Kuhn – o.k. so they are aware of them and where they can get them?

Moe Rayan – after the approval this evening from Mayor & Council it will be distributed that is correct.

Deputy Mayor Kuhn – o.k.

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

Mr. Underwood made a motion to approve **Resolution 2015-044** adopting Policies and Procedures for Race and Ethnicity Data Collection for Community Development Block Grant Programs.

Dr. Kincaid seconded the motion.

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

Dr. Kincaid made a motion to approve **Resolution No. 2015-045** authorizing The Proper Municipal Official to enter into a Contract with DesignStream, LLC for Architectural Services for the design and construction of a New Municipal Building.

Mr. Underwood seconded the motion.

Andrea Getsy – 151 Crescent Hills Road – I wanted to ask a couple of questions about this. Apparently it is a done deal you are going to build a new building. Has any thought been given to what is going to happen to this building?

Deputy Mayor Kuhn – well it is my understanding that is why it is more to our advantage to build a new building than to remodel this building because of the fact the problem of relocating the offices is one problem but the main problem would be relocating the jails for the prisoners that would come in. So this building would remain in use until the new building was completed and then what we would do is exactly what we did with the Public Works Garage we would then put this up for sale and if it would sell as is that would be wonderful and if not we would have to do as we did with the Public Works Garage and then demolish it and just sell the land.

Andrea Getsy – I see. So the other question is does this go out to bid? Were there other architectural services that bid on this or just this one and this one company got this?

Moe Rayan – well these are Professional Services, Professional Services do not have to go out for bid, we have checked references and we have been working with the company for the past thirteen months.

Andrea Getsy – I am asking this because this is the same company that gave you the estimate on what it would cost to repair this building, right?

Moe Rayan – that is correct, yes.

Andrea Getsy – and the same company that gave you the estimate on building a building so

Moe Rayan – the construction itself will have to go out for bid. It is going to go out for bid.

Andrea Getsy – o.k. so it is not a conflict of interest?

Moe Rayan – no, no these folks are not builders they are architects. You are going to have architects involved, engineers are going to be involved and then the contractor is going to come in and construct the building. Yes these are not contractors they are designers.

Andrea Getsy – and how soon do you think this building will be in actuality?

Moe Rayan – well if all goes well a schedule has been put in place, I would like to discuss that schedule with Mayor & Council first but we are looking to start actively working on the design part of the process and subsequently go out for bid to construct the building with the hopes between now and the end of 2017 to have a new building.

Andrea Getsy – so in two years time this will be done and

Moe Rayan – again this is all hypothetical at this point, the estimates you seen these are all estimates based on square foot, nothing so far has been conducted because so far we haven't been engaged with an architect if you will that is going to be compensated for performing the work. It is a ball park we understand that, Mayor & Council understand that, we have mentioned that in the past so from this point forward we are going to go to work and determine the actual closer to the construction cost and so on.

Andrea Getsy – and how will we pay for this new building?

Moe Rayan – different options. We will have money estimated in this year's Budget to start. We are going to ask for proposals from different developers to come in and bring a financial institution with them and whether we want to lease the building for x amount of years, pay for it for x amount of years those are to be determined. Whichever is going to be beneficial to the Community that is the way we are going to go. It is still out there as to which way we are going to finance the building. Hard cash from our own pockets or have a developer come in and do the work and pay on an annual basis.

Andrea Getsy – how does this compare with the school district having to continually going to raise taxes for the next several years because of their predicament and then this obviously I would think would involve raising taxes also.

More Rayan – I don't know what the school district is doing that is outside my jurisdiction.

Andrea Getsy - It is in the news.

Moe Rayan – unfortunately, I don't read the newspaper, I hear about it I live in the Community and it is affecting me but in terms of what Penn Hills is doing Mrs. Kuhn mentioned we sat down with the Finance Director and put a projection a five to ten year projection and looked at that and we are going to look at it again and look at other financial avenues so to tell you it is going to raise taxes tomorrow I can't tell you that right now, raise taxes next year I can't tell you that either. So once we get definite numbers to go ahead for the construction and explore our other options out there in terms of having developers come in and other institutions out there are talking to us already they want to come in and finance the project so there is a bunch of things out there and then whatever we think is going to be beneficial to the Community of course we all live here so we are not going to do anything that is going to hurt us.

Andrea Getsy – well I am not so sure. Thank you for your time.

Moe Rayan – I am sure Mrs. Getsy I pay taxes too.

Mark Lantz – 534 Springdale Drive - Mrs. Kuhn as you have said earlier not everybody is for this new building. My question is has any discussion ever been made about putting this on a referendum and let the voters decide whether they want a new building or whether they want to stay here especially with what is happening with the school district.

Deputy Mayor Kuhn – please do not equate us to the school district. They are two different governing bodies, the school board and the school district run their business that would be like me saying Don Kuhn Auto Body and how Mark Lantz runs his construction business.

Mark Lantz – that has nothing to do with it but as taxpayers it affects everybody in this room.

Deputy Mayor Kuhn – right, but as I said we did not put a referendum on for the Public Works Garage we did not put a referendum for the Library so I don't see what the difference is, this building houses prisoners. At this point in time, and I hope I can say this, we have Police coming in with prisoners that have to go through areas that people are working in so compared to a Library and a Public Works Garage this Municipal Building is much more important and has to be secured in a much better way than a Library or Public Works Garage and when those two things came up I didn't hear any comments on referendums or who was going to pay for it. Well naturally we are not going to get a gift to pay for this building let's be realistic. Of course it has to be paid by revenue but that is why we met with our Finance Committee and our Manager to see if we feel that the revenue is going to come in and pay for it. But as far as a referendum, Mark no we didn't put it up for a referendum the same way we didn't put the Public Works Garage and Library.

Mark Lantz – yes I understand you didn't do those two but this is probably more important to the average person.

Deputy Mayor Kuhn – well yes it should be more important to the average person because of the fact you don't only have your Manager, all your Directors here you are also housing prisoners here, you also have your Police Department here. I was for the Library and I was on this board when we voted for the Library and I made sure that Library came in under Budget and on time so I am for the Library. I think the Municipality you either move forward which you should know Mark with being in business you either move forward or what have it.

Mark Lantz – I totally agree with that. I also agree that the roads need paved and that is not happening.

Deputy Mayor Kuhn – and so do I believe that the roads need paved and the roads are being paved and we went through this last meeting with you Mark that the roads have constantly been being paved so we are paving.

Mark Lantz – in five years you put less than 1% into your road paving from your Budget.

Deputy Mayor Kuhn – we went through this last month so I am not going to

Mark Lantz – yes we did and we asked for clarification from Mr. Rayan and he has not met with us at this point.

Deputy Mayor Kuhn – I thought you told them how much was in the Budget?

Moe Rayan – I responded to the letter.

Mark Lantz – you did not respond to having a meeting.

Moe Rayan – no I didn't.

Mark Lantz – but at this public meeting you said you would meet with us.

Moe Rayan – sure and I still will and when you sent me the letter you wanted to meet to find out where certain items in the Budget were and I gave you where the items were, I gave you the pages and I didn't think it was necessary to waste your time. Three or four individuals to meet with me and you wanted to meet on a Friday and the business it was a closed day.

Mark Lantz – it was not a closed day. We asked for a meeting in June. You gave us a date in July.

Deputy Mayor Kuhn – we will get that straight with the Manager with that.

Mark Lantz – well lets please do. We asked to meet in June he never responded and he said he could not meet on July 3 because you were closed.

Deputy Mayor Kuhn – alright but that is the Road Program which we went through last time.

Mark Lantz – and we never resolved it and weren't satisfied.

Deputy Mayor Kuhn – but this Resolution is not the Road Program so I would like to stay with this Resolution.

Mark Lantz – and I would just ask if you put it out as a referendum and let the taxpayers vote.

Deputy Mayor Kuhn – no we have not discussed that because it is not a precedent that has ever been done before.

Moe Rayan – Mrs. Kuhn I would like to clear something here. I got the letter at the end of June requesting to meet on July 3.

Mark Lantz – sir that is wrong. That letter came the week after we met on the 15<sup>th</sup> requesting a meeting before the end of June. You had never responded you came back and said we will not be working on July 3 so we cannot meet and by the way here are some places to go for references. I have that stuff not with me.

Moe Rayan – so what is the problem with that. You are questioning where to find items in the Budget. I told you where to find them. So what is the problem with that? Do we need to meet?

Mark Lantz – we asked for a face to face meeting with you.

Moe Rayan – that is beside the point.

Mark Lantz – we asked and you agreed to it.

Moe Rayan – I am not going to argue I have the letter.

Deputy Mayor Kuhn – they feel that you have it; you feel that you gave them the information.

Moe Rayan – I didn't think it was necessary to have the meeting with four people to show them where the items were in the Budget. I referenced the pages.

Deputy Mayor Kuhn – o.k. let's move on here. Alright Ed you are up.

Ed Zullo – 113 Elizabeth Drive – I looked at the mock-up of the new building and it kind of looks the black glass, it kind of looks it is unsymmetrical, like this building looks pretty classic it is symmetrical it looks colonial but it looks nice. If you go up to Murrysville and take a look at their Municipal Building it is brick it is beautiful it is symmetrical and it looks nice and classic looking so if you haven't gotten to the point where

Moe Rayan – we haven't. That is just throwing blocks on a computer to make it fit into here. The actual conceptual design has not been done yet. You are an engineer yourself when you block stuff on a computer all we are doing right now is square foot cost. There is nothing happening that was just to show what we can fit in here. The process starts tomorrow morning actually if we get this Resolution passed tonight.

Deputy Mayor Kuhn – now Ed I will tell you. I agree with you 100%. I feel that the building should be on the same look as what this building is. I don't want anything modern with angles and what have you.

Ed Zullo – we agree on something.

Deputy Mayor Kuhn – my vote will be with you Ed.

Chris Miller – 109 Garlow Drive – I was surprised to see this Resolution in this packet because Mrs. Kuhn when you were addressing Jim Getsy with the possibility of a new building and from that they are still looking at drawings still looking at the grounds.

Deputy Mayor Kuhn – well basically that is exactly what we are doing. We don't have a drawing and I mean everyone knew that we purchased Penn Hebron. With purchasing Penn Hebron that was the first step going into building the new building so once we acquired Penn Hebron that was the first step acquiring the property then once we acquired the property now the next step is to do the as you said the drawings and how it will be on the property that we have so that is the next step that we are in.

Chris Miller – I was just surprised to see it so soon. I actually was at a picnic in Penn Hills this weekend and a former Mayor was there and I was just passing this along and he talked about the possibility of a new building and that in his time those kinds of things were discussed at a public meeting.

Deputy Mayor Kuhn – you feel that we haven't discussed this at a public meeting?

Chris Miller – no a public forum like where the whole community meets.

Deputy Mayor Kuhn – and what was he alluding to? Did he have a public meeting in the Community?

Chris Miller – well he wasn't referring to any specific thing.

Deputy Mayor Kuhn – I obviously missed that and I have been coming to the meetings since 1976 so if you could tell me exactly I don't think it had anything to do with the sewers because I don't recall there being any public meetings.

Chris Miller – it was just a general statement.

Deputy Mayor Kuhn – well perhaps he did have that but it is news to me.

Chris Miller – when something of a major nature came up.

Deputy Mayor Kuhn – well like I said I don't think they had that with the Library or the Public Works Garage so I don't know so if he did that then I would like to know from him exactly what it was and where he had it.

Chris Miller - I can't say.

Deputy Mayor Kuhn – well people can say things. Everyone has the right to their own opinion but everyone doesn't have a right to their own facts.

Mr. Palumbo – why didn't he come up here and address his opinion?

Chris Miller – I don't have no idea. I don't see many people here.

Mr. Palumbo – I would think if he was the past Mayor he would have come up here and addressed an opinion.

Deputy Mayor Kuhn – and perhaps give a suggestion. Maybe the next time you see him maybe you could tell him that.

Chris Miller – thank you.

Sylvia Lynch – 184 Spring Grove Road – Can you tell me how much you paid for the Library and this other building the garage that compare to this?

Deputy Mayor Kuhn – I believe the Library was around \$4 million.

Moe Rayan – actually it was \$6.5 million it was a little less than the budgeted amount.

Sylvia Lynch – and the garage?

Moe Rayan – the garage pretty close to \$4 million.

Sylvia Lynch - and this building is going to be?

Moe Rayan – taking 78 thousand square feet x anywhere between \$65 a square feet

Sylvia Lynch – are you talking about \$11 million?

Moe Rayan – whatever those numbers are.

Sylvia Lynch – both of those things don't compare to this. This is much much more money.

Moe Rayan – sure it is you have all these departments.

Sylvia Lynch – you constantly compare it to the fact that you built this Library and you built this garage to make it look equivalent to what is going on now and it is now.

Moe Rayan – the Library was around \$6 million dollars in 2005 today ten years later.

Sylvia Lynch – but \$11 million dollars when we have so many problems in this township and our school district I know you don't read about it you don't know about it

Moe Rayan – no I know about it I didn't say I didn't know.

Sylvia Lynch – it will raise our taxes and it will every single year and then they don't even know how they are going to pay for it and so now this to raise our taxes in addition to that is asking a little much of these people in this neighborhood especially when the school district is not doing too good. We have two new buildings and we are on the last rung down as far as our students are concerned. It is pretty frightening.

Deputy Mayor Kuhn – I will say this. I don't believe that our students are run down in the Municipality.

Sylvia Lynch – I am talking a fact. It is a fact in the newspaper.

Deputy Mayor Kuhn – well I don't believe everything that is written in the newspaper and I know a lot of young people who have gone through the school district of Penn Hills and have proven to go on to higher things.

Sylvia Lynch – I have graduated from the High School.

Deputy Mayor Kuhn – and so have I.

Sylvia Lynch – (in audible) wasn't at microphone was yelling from audience.

Deputy Mayor Kuhn – well that is your opinion.

Mr. Palumbo – my daughter graduated from Penn Hills High School in 2007. Number one in her class went on to Seton Hill University and did very well and all her friends did very well.

Deputy Mayor Kuhn – I feel to see the humor in it, is there anyone else who would like to speak on this Resolution that we are discussing please come forward.

Deputy Mayor Kuhn – Moe I have several comments get your pencil ready. I read through the information that was given to us. On field criteria it states that they will not be doing the engineering, that Gateway will be doing the engineering, so is that correct?

Moe Rayan – that is correct, that is the site development such as roadways, concrete paving, all the site Development Work.

Deputy Mayor Kuhn – so then down further we see that the percentage for their breakdown is 4.75 percent of the construction cost, so being that they are not going to be doing the Engineering Work I am assuming then that they are not going to be receiving 4.75% of that Engineering Work?

Moe Rayan – that is correct. It is pertaining to the work that is being performed by the firm relative to those items that are indicated.

Deputy Mayor Kuhn – so then Gateway is our in-house engineering so we will pay them and they are not going to receive any amount or percentage on their cost.

Moe Rayan – that is correct.

Deputy Mayor Kuhn – o.k. then it has on here which needs to be really explained to me. Services not included. The following services are not included as part of the base scope. Civil and State Engineering

Moe Rayan – site engineering, storm sewers

Deputy Mayor Kuhn – so that again will be done by Gateway?

Moe Rayan – correct.

Deputy Mayor Kuhn – and then we have environmental testing - hazardous materials. Who is going to do that?

Moe Rayan – that is correct. We got a couple of companies that are trying to give us cost to perform the site assessment relative to what is in the building in terms of any work that might be required for lead, asbestos removal and so on.

Deputy Mayor Kuhn – and then the demolition specifications and bid documents for the existing building. So we will do the demolition and they get nothing percentage wise?

Moe Rayan – yes that is correct. The specs are probably going to be developed in conjunction with the Planning Department. We have the specs that we have developed in the past and the over sight of that will be by Gateway Engineers to incorporate the environmental report and so on.

Deputy Mayor Kuhn – and then we have the geotechnical survey. Pore boring.

Moe Rayan – that is the drilling.

Deputy Mayor Kuhn – you know that is going to be a real stickler with me because of the situation we had with the Library before we even dug a hole. Is this not the same company?

Moe Rayan – no we don't know who the company is at this point we are going to have to do geotechnical work which is the core drilling and the boring to determine

where is the suitable place to install the foundation and whether or not there are bad materials that would be required to be removed off site so that is the geotechnical work.

Deputy Mayor Kuhn – when that pore boring is done do the Architects know that everything has to go through the Manager and Mayor and Council?

Moe Rayan – absolutely.

Deputy Mayor Kuhn – because that was the problem with the Library if you recall. We did not receive the report and voted on it assuming so I don't want to make

Moe Rayan – no that is a totally different we have a team and part of it is assembled for that. That team at this point consists of myself, Rick Minsterman as the Municipal Engineer, the Head Architect Kevin Turkall, at some point once we receive the approvals we are going to add a couple more people to this team one of them is going to be Chris Blackwell and potentially add some other folks such as John McCafferty and the Fire Marshall for their expertise as well and that would be the whole team. In the preliminary schedule that we hand wrote a couple of weeks ago identified every step of the way that would have to be brought to Mayor & Council for their review and final approval before we proceed to the next step.

Deputy Mayor Kuhn – and then on the second page, page three Moe it has requested additional services will not be initiated unless authorized by the Owner. I mean that goes without question because with our other Architect on the Library he was making changes on site that he thought was appropriate and did not bring it before Mayor & Council so I want to make this Architect fully aware of this prior to anyone that we bring in. There are no changes that are to be made unless they are approved by Mayor & Council and the other thing Moe they were looking for anything under \$10,000.00 they could change on their own. We are not going to go for that Moe because I was in the construction business and I know what they do is if they have or put in a change order and they have a credit of \$10,000.00 and then they put a change order in for \$17,000.00 then it is only \$7,000 and they think that they can get away with that because it under the \$10,000.00.

Moe Rayan – it has been our practice to bring everything to Mayor and Council whether it is a \$10,000.00 item or a \$500,000.00 or whatever and that is what was passed on to both the Architect and the Engineer. Our engineer is pretty familiar with that he has been sitting around for the past few years and fully aware of the changes that cannot be done on any project whatsoever without the formal approval of Mayor and Council.

Deputy Mayor Kuhn – and I also want to make sure that they are fully aware whoever it might be that the drawings that are sent out for specs from the subcontractors if something has been left out then that is the responsibility of the Architect because he shouldn't have left it out. Anything that comes in as a change

order needs to be something that the Municipality itself has made the change order on not something that has been missed.

Moe Rayan – normally the catalog cuts or sub drawings or anything of that nature is submitted by the Contractor and subsequently reviewed and approved either by the Architect or the Engineer so those types of things are spelled out in our contracts with the Engineers and the Architect.

Deputy Mayor Kuhn – and the other thing Moe when the bids go out the sub contractors have to be aware that the bid that they bring in is the bid that is going to be paid because I don't want sub contractors coming in with a low bid and then coming in with change orders which would have made them a higher bid. So I mean Ed can attest to when I was here with the Library anything that was on the expenditures for the Library my question to Ed was was this on the original bid sheet because I am not going to have people come in with a low bid to get the job and then try to kill us with

Moe Rayan – change orders. That is understood, both the Architect and Engineers are aware of that again it has been our practice of course I am not saying there won't be any unforeseen matters and hopefully there aren't many of them

Deputy Mayor Kuhn – I understand there are going to be change orders but the change order had better be because of the fact that it is

Moe Rayan – as a result of the site condition not a scope of work I understand.

Deputy Mayor Kuhn – and the other thing and this is my last comment is on the hourly rate schedule. I don't understand if we are paying them 4.75% of the entire project why are we paying them per hour on some other services that they provide.

Moe Rayan – these are additional services once the Contract or Agreement is established we didn't look at it all but these are pretty common or pretty standard. If there is any additional work performed outside what we agree upon in the Contract then that would be there hourly wages. How about going Downtown and look at the Courthouse and get us the pages where the Deed is recorded and that would be additional and then we would have to pay the hourly wage on that. That is just a crazy example.

Deputy Mayor Kuhn – it has Project Manager so are we paying them to have a Project Manager on this job?

Moe Rayan – no.

Deputy Mayor Kuhn – o.k. because I know when we did the Library Moe you were at Public Works and we had you as an additional person at the site so will we be doing something similar to that?

Moe Rayan – yes so we aren't going to have a Construction Manager or anything of that nature it is going to be a combined effort between myself, we have John McCafferty our Chief Inspector, we have Gateway that is staffed to provide testing or other type of inspection during the course of the project. We are not going to have a team of inspectors hanging out there eight hours a day and we are paying an hourly rate if you will to a Construction Management Firm. The work is being done in house.

Deputy Mayor Kuhn – right. In reality Moe that would be paying double. If we are paying a Project Manager \$95.00 an hour and then at the end of the project his wages is going to go into the total cost of the building then we are going to be paying 4.75% on top of that.

Moe Rayan – that is correct. The Project Manager that was referenced it is relative to the additional work if we have to go to the extent of having additional work outside of the scope that was agreed upon that we have to assemble a team from the architectural firm to have a Project Manager or a Principal or a CADD individual for whatever reason and those hourly wages will be applied but not for the construction what you are thinking Mrs. Kuhn I understand what you are referring to relative to the Construction Manager on the project itself.

Deputy Mayor Kuhn – right because as I said I am not paying a Project Manager and paying the Architect 4.75% of what I am paying this individual.

Moe Rayan – they do have the responsibility for overseeing the project just as well.

Deputy Mayor Kuhn – but why wouldn't that be incorporated in the 4.75%?

Moe Rayan - it is incorporated.

Deputy Mayor Kuhn – then this hourly rate is not on top of?

Moe Rayan – no this is just for additional work that is outside the scope of work that is going to be agreed upon, whatever we agree upon for development, the schedule, the drawings themselves, plumbing, electrical so on that is going to be the 4.75% this is in the event that we needed to have extra work done like that hypothetical example I just gave.

Deputy Mayor Kuhn – o.k. because I know that there are incidences where an Architect is getting a percentage but if they attend a meeting if they bring in one of their people to have the meeting then they would charge Council for those people to be at that meeting and that is not going

Moe Rayan – no that is not similar to what you are saying what we have here is a 4.75% of the project cost it is an umbrella type agreement to handle those things.

Deputy Mayor Kuhn – so if they would be coming into our meeting to give us an update or a quote or something like that am I going to be paying them for an hourly rate that they are coming to the meeting or is that included in the 4.75%?

Moe Rayan – that is included in their scope of work.

Deputy Mayor Kuhn – o.k. if you could just make sure that would be clarified?

Moe Rayan – o.k. we haven't finalized anything actually we have a couple more meetings to do to start looking at the Agreement.

Deputy Mayor Kuhn – o.k. thank you Moe.

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

Mr. Underwood made a motion to approve **Resolution No. 2015-046** amending the Five Year Consolidated Plan and Community Development Budget Years 38, 39 and 40.

Mr. Palumbo seconded the motion.

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

Mr. Palumbo made a motion to approve **Resolution No. 2015-047** awarding a Contract to Pampeno Landscape Construction, Inc., for The Bramble Street CDBG Storm Sewer Reconstruction Project for a Total Cost of \$57,000.00.

Mr. Underwood seconded the motion.

Deputy Mayor Kuhn – Moe I am not complaining about the bid but the bid for \$57,000.00 was so much lower than some of the other bids, is there a reason for that that I missed? Because I know like one was \$31,000 more, the other \$26,000, the other one \$24,000, \$115,000 it just seems like a red flag sometimes when it comes in so low compared to what the other ones were.

Moe Rayan – actually Pampeno is one of the contractors that has worked for us in the past. We are familiar with his work, it is a family owned business and they have done a lot of work for us here in Penn Hills on different projects varied from storm sewers, culverts and a bunch of other projects whether it is CDBG or capital improvement projects.

Deputy Mayor Kuhn – o.k. so you are comfortable with the Contractor?

Moe Rayan – yes.

Deputy Mayor Kuhn – I noticed instead of a bond he presented a check.

Moe Rayan – that is the options that we have in our Contract.

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

Dr. Kincaid made a motion to approve **Resolution 2015-048** authorizing The Proper Municipal Official to enter into a Five-Year Agreement with the Commonwealth of Pennsylvania Department of Transportation for Snow and Ice Removal on certain State Highways.

Mr. Underwood seconded the motion.

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

Mr. Underwood made a motion to approve **Resolution 2015-049** awarding a Contract to Reinhart Food Service for food products for The Home Delivered Meals Program for One Year with the option to renew for One Year.

Dr. Kincaid seconded the motion.

Deputy Mayor Kuhn – I see we only had one bidder on this so I guess.

Moe Rayan – yes generally in the food business we don't get much luck sometimes we have two most of the time we have one bidder.

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

### **ITEMS FOR CONSIDERATION**

Chris Blackwell – Community Banners – I think if you read my e-mail on Community Banners I was able to find a company that put the Banners up ten years ago and I am sure you notice when you drive around there are banners hanging upside down and totally tattered and they are about ten years old so my real intent was to just to sort of kind of pressure them into removing them and bringing them back and Gerry Nosal has been going around and having his guys taking down some of the ones that are most offensive on Rodi Road so it really is just about reaching out to them they sent me a proposal I have a contract here and it was really just to discuss if it is something that you would prefer that Public Works maybe just continue to take them down and forget about it or is it something that you liked did you like those banners when we put them up, it was about ten years ago.

Deputy Mayor Kuhn – Chris I have to say that I was pleasantly happy that you put in that the company would have to be responsible for taking them down because when the banners first went up they looked very nice and that but as the weather came and destroyed them then you are riding around town and you have these banners that are shredded and half on and a third on and it really made it look terrible in my opinion and I don't feel that they received the funding for putting the banners up from the business community but then is it going to be Mayor & Council and the residents responsibility to pay our Public Works people to take them down so I don't know what Mayor & Council feel on this but if anything would be to do this again they would definitely have to give us something in writing and our solicitor look at it to make sure yes they will take them down so in five years down the road that we are not in the exact situation we are now.

Chris Blackwell – after your packet went out I received some information from them which I would be glad to share with you or Craig and it seems and we really want it to be clear and I am not even sure that is that clear but really the thing was to is before I even went further with even talking to them about it was it something that you would want to do? Mayor & Council were involved last time and myself and the Chamber of Commerce was on that board at that time and so it is really do they do the work, they solicit the businesses, the businesses pay and in some ways it is almost relief from our Sign Ordinance in a way because you get a sign for your business off premise that you normally wouldn't get. Some people might think that is a good opportunity for businesses. It might be something that you don't want. That is really just me kind of bringing it up for discussion again. My original intent as you saw by my e-mail was to say you got to do a better job of getting these down but the only way to get them down is to get them to come back and maybe that is a possibility.

Deputy Mayor Kuhn – when I go through some other communities and believe me my husband owns a business and he participated in this but the flags that were put up they really aren't advertisement flags they would be like if you go down to the Waterfront and go across the Rankin Bridge they have baseball players and if you go up to Somerset they have different landscaping and that, I don't know it is up to Mayor & Council maybe we can discuss it further but I like the idea of the banners like they do on the main road. Sometimes to me those banners are nothing more than what a billboard would be.

Chris Blackwell – I agree and I like those banners also the ones you are talking about but of course then the town pays for them, somebody has to pay for them and that is a very good point.

Deputy Mayor Kuhn – so I don't know if they would have something like that and maybe underneath sponsored by Joe Smith or something like that. I think we should wait until the Mayor is here to have this discussion. Is that alright with Council?

Dr. Kincaid – that will be fine.

Chris Blackwell – then I will include what they sent me also as a Contract so you will get to see it. I don't know if you want to wait for the next item also until the Mayor is here?

Deputy Mayor Kuhn – well the one thing I mean I don't have anything against chickens please don't think that is what I am going to say but when I was reading this it has that the Zoning Ordinance permits residents not to raise chickens but it does allow for one duck, one rabbit and one pot belly pig and I guess who wants to raise the chickens have brought this up as their issue why are they allowed to have that but I am not allowed to have chickens. But the only thing of it is if that is the case if they are referencing that part of the Ordinance they want four so then are we going to have the people who have the one duck, the one rabbit and the one pot belly pig come up and say then why can't I have four because you allow four chickens.

Chris Blackwell – it is interesting you just said that because Meg Balsamico and I were discussing that today. We believe the original intent was one rabbit or one duck not the and. Take the and out so that could be something that we could amend there also. You could say we don't want a farm. The four chickens I took from the various Ordinance that I attached it seems that they are communal animals they like to have at least two or three or four and then of course roosters are not permitted this is because of the noise and some people say how do you have chickens without a rooster and you don't want chickens you want eggs.

Deputy Mayor Kuhn – well I did see that they are not permitted to have roosters because it is too noisy.

Chris Blackwell – and if you look at the other Ordinances I think that the difference including the City of Pittsburgh, Forest Hills and Monroeville what I was trying to prevent by this was not having our Code Enforcement Officers having to count chickens and measure property. I just think that is just a lot and unnecessary on our Code Enforcement Officers which need to be obviously we know doing other things besides counting chickens but then I included all the parts of our Ordinance and some of them talk about feces and that is already included in our Ordinances, they talk about animals roaming and being fenced it is already in there so this was just a simple way to kind of appease. I don't know how many but Code Enforcement has come up against this. Chris why are they allowed one rabbit or a duck and not a chicken and a chicken is truly a farm animal because it produces that is the difference; cows produce milk, chickens produce eggs, rabbits don't produce. So it was really we have been talking about this in Code so what would they like to do or how would it make it simpler and that is where I came up with this.

Gary Underwood – Chris who brought this to light to you?

Chris Blackwell – actually I was waiting for somebody to come forward but it is really just between Code Enforcement and I kind of assumed it would come at some point. My original intent was even for a couple of years now is to wait to come to a Zoning Hearing Board meeting or had to go to the Magistrate or let someone else a citizen pressure it but at this time it is just something that people want. There are people in this town already that have them.

Gary Underwood – who are the people you are very vague. Say names of people I would like to know who these people are.

Chris Blackwell – I don't know who these people are.

Gary Underwood - I know my neighbors will not like that and I won't like that and I can believe people here will do the same thing. It is as bad as the neighborhood that doesn't want deer but do want deer. Come on name names so that we can find out and just don't hide behind or what I believe is hiding behind an issue and I am having a hard time believing oh this just came up all of a sudden I got a phone call, who did you get the phone call from? I don't want this to be made up because I really don't like this at all. Did you get that?

Chris Blackwell – No I have no names because it is not my idea.

Gary Underwood – then why did you put it on? If it wasn't your idea who forced you to put it on?

Chris Blackwell – no one forced me to put it on it is an issue that Code Enforcement has been dealing with.

Gary Underwood – we have been trying to get Code Enforcement up to standards and trying to get them to do their job you just gave them more snow on top of a mountain to do. They have more important things than to count chickens so no.

Chris Blackwell – I totally agree, they actually asked me, I involved Code Enforcement with this. They see these things on a daily basis and they felt that it was vague that you were allowed to have a duck and not a chicken. That is it.

Deputy Mayor Kuhn – so in actuality Chris what you are saying is this was not brought up by a resident, Code Enforcement was going through the Ordinance and they saw that these were permitted and just questioned it.

Chris Blackwell – and residents do say why are they allowed this and not this.

Deputy Mayor Kuhn – I think if they are saying why are you allowed a duck and a rabbit and a pot belly pig why can't I have a chicken well then you are going to open up a can of worms by saying you are allowed four chickens because then they are going to

say they want four of these, that is just my opinion. So maybe we will leave this tabled until the Mayor is back, is that alright?

Chris Blackwell – that is fine.

## **REPORTS**

Mr. Underwood – I have a FYI. Please read the attachment I am passing out it has some implications that this possibly could affect us and our pick up of recycled papers and what not because the price of all this material, prices are going down which means we want the rubbish people to pick this up. They are going to charge. So I did this as an FYI. Mr. Underwood passed paper out to Council. It has been in the newspaper so it has been out there for the public I just happened to run across it and I felt that this could have ramifications in the future because the cost of aluminum is an example in here.

Moe Rayan – actually we are looking at our specifications and going forward starting in 2016 we are going to need a new contract for our garbage hauler so we are in the process of doing that. We have already had one meeting about a month ago and in the process of developing the specs so we can go out to bid so thank you for the information.

Deputy Mayor Kuhn – I have one report Moe I did speak to you in regards to the Resolution that we passed for the landlords and I did tell you that I had received some literature from different high rise apartments and that. When the Mayor comes and then we can discuss it further but I thought that perhaps we should maybe revisit the Ordinance in the fact that the Ordinance was made up to protect the residents of Penn Hills from landlords who were abusive and we have been knocking our heads up against the wall trying to find a way to rectify the problems of these landlords who don't even live in the community or even some of them in the Country so we were very hopeful that we were able to resolve that situation with our Ordinance but I did not want to correct one problem and cause another problem for other apartments. I know myself and I asked I don't recall that we have been receiving any type of complaints from like Duff Road Apartments or Duff Manor rather, Alcoma Country Club (inaudible) and I did receive letters from them and it is not only a cost to them but somewhat of a burden for them too and I hate to see us lose. Penn Hills is in no way shape or form able to lose people that we have coming in so I didn't know if it could be something to the point that maybe if there were x number of properties in one unit I mean it is not fair if you have a house and it is only \$50.00 but if you have an apartment complex that might have fifty apartments in it then it comes in to being a lot of money so I didn't know like I said I would rather go over this when the Mayor is here but I did ask the solicitor at the meeting tonight and he said and I know if we can make it one for one person and a different for another person but if you had some language in there if you had this many or more that then you weren't going to cause a problem for them. Now I did tell them when they spoke to me the young man from Duff Manor came up with a completely

wrong attitude to come in and say that Mayor & Council did something secretly and this and that and what have you but I also told them I never say that I might not have missed something. If you present it to Mayor and Council in a polite mannerly fashion we are not so arrogant that we say oh no this is how it is and just brush them aside. So I just didn't know if we could have that at an Executive Session being that it is a legal Ordinance?

Solicitor Alexander – well there is some litigation with it that is one thing but an Ordinance by and large are not Executive Session talking so we will have to look at it a little more.

Deputy Mayor Kuhn – and like I said if Mayor and Council do not feel the same way that is fine too but I didn't want to correct one problem and make another problem for a business owner in Penn Hills or those residents in those High Rises. So if we can address that when the Mayor is in I would appreciate that.

Moe Rayan – o.k.

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

### **ADJOURNMENT**

Deputy Mayor Kuhn entertained a motion to adjourn.

Dr. Kincaid made a motion to adjourn.

Mr. Underwood seconded the motion.

The meeting was adjourned at 9:20 P.M.

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DATE

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MAUREEN M. SORCE  
MANAGER'S SECRETARY

