

## **OCTOBER 3, 2016 COUNCIL MEETING MINUTES**

The October 3, 2016 Council Meeting was called to order at 7:35 P.M. in Council Chambers at the Municipal Building. Mayor Sara Kuhn presiding.

### **APPROVAL OF AGENDA ITEMS**

Mayor Sara Kuhn – Good evening everyone. It being 7:35 P.M. I will call this meeting to order. The Agenda will stand as presented and if we could all stand for the Pledge of Allegiance.

### **PLEDGE OF ALLEGIANCE**

All stood for the Pledge of Allegiance.

### **ROLL CALL**

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

Also present were Rayan, Municipal Manager, Sorce, Manager's Secretary, Alexander, Solicitor, Schrecengost, Finance Director and Blackwell, Planning Director.

### **CITIZENS TO ADDRESS COUNCIL**

Mayor Kuhn - First item we are going to have is Appointments. We have two appointments for the Wilkinsburg Penn Joint Water Authority. I am going to put up two names that are presently on the Board for them to be re-appointed. It would be John Vento and Phil Scolieri. Do I have a motion for these two gentlemen to be appointed to the Wilkinsburg Penn Joint Water Authority Board?

Mr. Underwood made a motion to re-appoint Mr. John Vento and Mr. Phil Scolieri to the Wilkinsburg Penn Joint Water Authority Board.

Mrs. Sapp seconded the motion.

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

Mayor Kuhn - Moe you will send them out notices?

Moe Rayan - yes.

Mayor Kuhn - thank you.

### **CITIZENS TO ADDRESS COUNCIL**

Mayor Kuhn - Dr. Sheila Johnson - Western Penn Hills Community Action Youth Employment Program.

Dr. Sheila Johnson - 7450 Chadwick Street - I want to address the Council and bring you up to date number one to thank you for funding Summer Youth Employment Program and these are two of the many recipients that came to us this summer and they have a power point presentation that they will pass out to Mayor & Council. You will find inside all of the information, a handout that I will be referencing. Basically to Mayor & Council again we thank you for your support through the years. This is one of several programs that Western Penn Hills Community Action which is a 501C located at 7450 Chadwick Street in Penn Hills. As you look at your Power Point Presentation you will find that number one our priority in the Summer Youth Employment Program and we drill this over and over is because they are in the Summer Program our Community is better and number two their families are better and number three in terms of them individually they are better people. As you look at your Power Point Presentation you see that the program includes Cultural Field Trips, Fire Hydrant Clearing, Landscaping, Litter Patrol, Lot Clearing, Skills Development, Team Building and Workplace Readiness and again you see at the next slide Summer Youth Employment Makes Everything Better, My Community is Better, My Home is Better, I am Better. We have a number of workshops that they have to participate in because our focus is Community Beautification and trying to get them ready for the work force. So we have Conflict Resolution Workplace Readiness, how to get the Job, expectations that people have, and employers have of you. Once they finish those workshops then we also have skilled workshops that deal with the equipment safety, and how to use the equipment properly and things along those lines. We have been working with the fire department in that we do fire hydrant clearing and you will see some pictures of some overgrown fire hydrants and so we make sure that the lots that have fire hydrants on them are cleared so that it will be helpful to the fire departments. You see a couple slides that have before and after that they have done. In additions we do some landscaping. So you will see at Lincoln Park Community Center you will see the students there putting out mulch and raking and that type of thing. We also do lot clearing. In particular lots that are on corners. Those are our priority lots because we are trying to cut down on the car accidents and so sometimes people run stop signs because they don't see them or they just can't see because of the over growth areas. It is sad to say we do a lot of Litter Patrol. It seems like we go through one day and the next day we are going through the same place again but we do litter patrol and as you can see some of the ways our Community has changed because of the Summer Youth Employment and these are the changes from this year: Lot Litter Removed - 13 times, Street Litter Patrol - 6 times, Cleared 11 Vacant Lots and Cleared 7 Fire Hydrants. Personal Development in addition to the workshops they visited the Heinz History Center and also prepared for success. You will see a slide with a young man learning how to tie a tie and we talk

about handshakes and all those types of things. Overall the Summer Youth Employment Program has had over 600 participants. Some of them have become business owners and I would like to say here standing next to me Spencer Tate, Jr. one of our participants from this year has his own landscaping business. We have Business Owners, we have Engineers, we have Government Workers, Medical Doctors, 2 Pharmacist, Tradesmen and Landscapers and again we would like to thank the Penn Hills Municipality, The Board of Western Penn Hills, The First Baptist Church although we are totally separate entities we are in the lower level of that church and then our crew leaders and our students that actually designed our Power Point Presentation. So that is all we just wanted to share what we are doing.

Mayor Kuhn - I thank you very much and I am so glad that you brought some of the young people here to see the progress that they made. The presentation is very well done and it is very informative. Is this part of the amount that we give for the Summer Program, is this what this is?

Chris Blackwell - yes it is. The Western Penn Hills Community Action Beautification Program.

Mayor Kuhn - The only thing that I would ask is if the Administrators could some way work together because I know last year when we looked over the budget for it the amount of money for the young people working was really not even 50% of what the budget was in terms of they had money for administrations and other fees and that. When it would be presented to Mayor & Council because I know myself I would like to see more of the funding that goes into the program to be spent on the young people getting to work because that is really what the program is it is for young people to become as you had stated in your presentation and that is what I would like to see. That when it comes before Mayor & Council again that more of the budget is spent on the actual young people, the number of young people and the amount of money that they are receiving because unfortunately all the other expenses are over riding the amount that is spent on the children so that is the only thing that I would ask when it comes up for Mayor & Council because you have wonderful young people here showing how well they have done and anything that we can do for the young people to get ready for the world outside that is what we would like to do so if that could be done that would be greatly appreciated.

Dr. Sheila Johnson - We will work toward that. The problem that we are having is that the cuts that we have had there are certain amounts that will be the same whether or not we have two people or we have sixty people because certain overhead amounts are the same regardless of how many students that we have so we are at that point now with the reduction in the budget where

Mayor Kuhn - not to interrupt you but when I looked at it with the Planning Department this was prior to the reduction. It seemed like administration fees for like a secretary it was almost as much as, I am correct Chris?

Chris Blackwell - yes that is correct.

Mayor Kuhn - Right for one person it was almost as much as what it was I think it was only \$7 thousand some dollars for the young people so that sometimes happens. It is a good program and the program is well worth it but I don't want to have that the amount of money that we are giving to the program is not basically spent primarily on the employment for the young because that is really what it is for it is for employment for the young and the proportion was way out of proportion so if that could be adjusted and that and then we could see about I would like to bring in more children

Dr. Sheila Johnson - we would too.

Mayor Kuhn - right but the thing of it is I was very disappointed when I saw the proportion of the monies that were spent. So I think we need to at least maybe sit down and see how we can correct this because of the fact there is just not enough funding going towards the young people in the program and sometimes that even happens with charities and what have you but I think it needs to be addressed.

Dr. Sheila Johnson - the other thing is too the students actually work typically July and August but the preparation starts in March so the administrator needs to start working in March in terms of working with Allegheny County to get the food program going to the children and so that person or persons work from March until the end of September in order to get everything in sync and then we have a ratio of so many students and then we have to have adults so all of those things take into consideration.

Mayor Kuhn - right and like I said I think we need a more detailed cost because of the fact I think there was different traveling and a lot of things that were put into the program and it was more of those things than it is the amount of money that was spent on the children and as far as I am concerned the money that the Municipality is giving is for the program for the children. All these other expenses they either need to be cut or somehow put together or if there are people who need to be volunteers or something like that because the ratio was very unbalanced.

Dr. Sheila Johnson - well we did cut travel. The travel was them going on the field trips. So we cut back.

Mayor Kuhn - well I don't want them not to go on field trips. What I would like is to show exactly what these costs were because of the fact what is being presented to the Planning Department is not actually what they need. So I don't know if we need to sit down or what because I don't want the expenses of the providers overriding the amount of and like I said I think it was only \$7,000 something spent on the actual young people working. And I do know too that the money is late in coming but that is not from us

Dr. Sheila Johnson - we understand.

Mayor Kuhn - right we have to wait until the funds come to us from the State, is that right?

Chris Blackwell - Federal Government.

Mayor Kuhn - Federal Government right. The program is well worth it and I applaud both of you and it is so nice to see both of you at the meeting. I wish we had more young people coming and congratulations to you young man. You speak very well for the program and I hope others would follow in his footsteps. Thank you.

Dr. Sheila Johnson - thank you.

Mayor Kuhn - next on the Agenda it is my privilege to present a Proclamation to a gentlemen sitting in the audience who is a personal friend of mine and who really is a personal friend of all the people in Penn Hills because of the amount of time that he has given as a volunteer fireman and he has brought great pride to Penn Hills and when I read this Proclamation you will see why. So Rich do you want to come up.

Mayor Kuhn - This is a Penn Hill's Municipality Proclamation to Richard Grove, Penn Hills Station #225 - Than Stevens Volunteer Fire Department - Whereas, a basic ingredient in the foundation of this nation is the voluntary acceptance of initiative and responsibility by private citizens, and voluntary organizations, and this fact is largely responsible for the progress and development of our great country; and, whereas, our volunteer fire departments have been marked by exemplary pride, enthusiasm, dedication and hard work and have been a credit to the entire Municipality by providing a vital public service standing ready 24 hours a day, seven days a week to protect the lives and property of our residents; and, whereas, a striking example of this pride, enthusiasm, dedication and hard work has been brought to our attention of the accomplishments of Richard Grove. Mr. Grove joined Thad Steven's #5 in August of 1963 and has been active ever since in a line officer's position. Mr. Grove was on 2 State Wide Associations with the Fire Service; one was The Advisory Board State Wide and the other was the Legislative Federation. Richard Grove is also Chairman of the Penn Hills Fire Prevention Essay Contest which is a huge success every year, I threw that in Rich. On September 23, 2016 Mr. Grove will be sworn in, in fact was sworn in, as the President of the Fireman's Association, State of Pennsylvania, which is a very prestigious position, congratulations Rich, and, whereas, Richard Grove's years of service have been marked by exemplary dedication to the best interest of the fire service and the community and has earned him the affection of a host of friends and has won him high regard from his fellow firefighters. Now, therefore, I Sara J. Kuhn, Mayor of the Municipality of Penn Hills do hereby tender this Proclamation to Mr. Richard Grove, commending him for his many contributions to the progress of the volunteer fire service in Penn Hills over the years and extending my personal best wishes to him and his family; and, further, urging all residents of Penn Hills to be

cognizant of the invaluable services our volunteer firefighters provide in serving and protecting our lives and property. In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the Municipality of Penn Hills on this October 3, 2016, A.D. Rich you have certainly served this Municipality so well as all of our volunteer firemen do and as I tell everyone if we had to have a paid fire company the taxes would be unbelievable and you have certainly made Penn Hill's proud by being sworn in as President of the Fireman's Association State of Pennsylvania. Something to be very proud of and as a resident of Penn Hills we are very proud of you. Thank you.

Richard Grove - I would like to thank the Mayor for those very kind words. I would like to announce that September 27, next year the State will come to Penn Hills. We will host the 2017 Fireman's Association State of Pennsylvania Convention. It will be here and it is my honor to bring the State to Penn Hills. Thank you Madam Mayor.

### **MINUTES**

Mr. Brodnicki made a motion to approve the Minutes of September 12, 2016.

Dr. Kincaid 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 October 3, 2016**, Journal Vouchers 0, \$0.00, CD Requisitions 6, \$2,302.02, Checks 35509 - 35682 – \$1,298,009.43, making a Grand Total of \$1,300,311.45.

Mr. Underwood seconded the motion.

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

### **PUBLIC HEARING AND DISCUSSION FOR THE 2016 - 2021 CAPITAL PROGRAM**

Mayor Kuhn - I will just give a brief comment on it. This is the first draft of this year's 2016-2021 Capital Program. It is for the next 6 years and it identifies capital projects and equipment and provides a planning schedule. 2016 allocations are currently funded with real money while the 2017-2021 are more a policy statement based on our input and public testimony. If there are any changes, we will revise the document and schedule it for our adoption on October 17th. I think that is it. I know already I see our Planning Chairperson, Mr. Chippenelli is in the audience and I see that on September 22 it was already presented to the Planning Commission, am I correct?

Jerry Chippenelli - yes.

Mayor Kuhn - and that the Planning Commission expressed their excitement for the Municipal Complex and there were several residents present so that was the only meeting you had, is that correct?

Jerry Chippenelli - yes.

Mayor Kuhn - now this will open up the meeting for any comments from the audience. Please come up and state your name and address and what you are interested in and we will put it in the record.

Pastor James Hunt - President of Western Penn Hills Community Action, 7450 Chadwick Street, Penn Hills, PA 15235. This is a point of clarification. In the document under the heading Community Development Program, down about six sentences from the bottom of the page in the text there I just wanted to get a little clarification it says we expect to continue to fund food banks, social services, and YMCA scholarships, but there may be some decline in allocations for social services offset by an increase in emphasis on sidewalks, street paving and economic development programs. So is this a shift in terms of moving away from doing Social Services. I just wanted to get some clarification on that.

Chris Blackwell - basically what we are saying as the funding decreases we can only spend 15% of the money on public services so there have been times where people have said well how come we are funding sidewalks and things like that to a greater amount but we are cutting the food pantry in your program. So what happens is if the budget gets cut the 15% you are the hardest hit so while some of those programs we are still funding a considerable amount we are trying to put an emphasis on the things we can do. No policy change.

Pastor James Hunt - I didn't know if there was a policy change and if we are going to drop 10%, 5% and then be shifted to sidewalks.

Chris Blackwell - no.

Pastor James Hunt - o.k. thank you very much.

Mr. Chippenelli - 941 Cimarron Drive - I want to emphasize the magnitude of our great leap forward for the new building for the Penn Hills Municipality. I have never seen such a great design, cooperation for all the years I have lived here I have never seen an administration work as close with the Community as this administration and the one just previous. I am honored to serve on the Planning Commission and we have tried to bring in more businesses in Penn Hills to add to the tax base. I see that it is a financial solvent to build this building. It is functional. We were privileged Chris and Meg gave us the drawings and we studied it for three months and it is going to be a fantastic asset to the Municipality of Penn Hills. I am glad to see us moving forward and I think it will just enhance, it is a new Penn Hills and it is making it prettier and I am very

proud to work on that Planning Commission to bring anything we could do forward. We have a Mayor & Council and the last administration with Mr. DeLuca and you and all the Council Members brought the township into financial stability. I saw for years when I first moved here the do nothing administrations and now we have a progressive administration and anything I can do to help anybody here I would appreciate if you just give me a call. So thank you.

Mayor Kuhn - thank you so much and I do have to agree under the administration of Anthony DeLuca, Jr. and our current administration our main goal is to keep Penn Hills moving forward and that is what we all work for and we work very hard on it and Penn Hills is a wonderful Community and our residents receive a lot of services that other Communities do not and we work very hard and I have to thank the Manager, our Finance Director and all our other Directors because of the fact they are very mindful of what this administration wants from them and where we want Penn Hills to go and they work very hard for it. I announce often the amounts of money that our Municipal Manager saves us because of the fact we are fortunate enough to have a Manager that is also an Engineer and he works diligently and we never forget that every dime that we vote on in our expenditures comes from the residents and taxpayers of Penn Hills all of which we are.

Mayor Kuhn - on the memo that Chris sent me he did say that there was a resident who mentioned that there was no funding allocated for the demolition of our current Municipal Building and the construction of the proposed park. Once again when that was brought up when the presentation was given to the public on the building itself and the cost I explained at that time we have not even attempted to put in for the demolition of this building and the park that we are hoping to make as a town center that until we saw everything and the cost of the municipal building itself the new Municipal Complex this is just a plan that we would like to implement and so that is why there is no funding in there and there was another comment from one of the commissioners about the sewer surcharge. Would it be removed now that the Consent Decree was completed? Penn Hills worked very hard to get us out of the Federal Consent Decree and we did a very good job with our Engineers, our Municipal Manager and our Mayor and Council. We worked very hard. Went to Harrisburg and so many other meetings to get this resolved and we had obtained a wonderful statement from DEP saying what a good job Penn Hills has done. When I read that I also stated at that time that does not mean that we are now going to be able to lower our sewer fees because of the fact that we were catching up but now we have to maintain and there are still consent orders that we have to do on a regular basis and our Municipality is very large and you will see as you come to other meetings any resolutions for expenditures in the millions of dollars that we are paying for the continual updating and televising of our sewer repairs so we have come a long way. That ends the Public Meeting for the Capital Program.

## **RESOLUTIONS**

Mr. Brodnicki made a motion to approve **Resolution No. 2016-053** – authorizing the filing of a PA Small Water and Sewer Program Grant in the amount of \$418,200.00 from The Commonwealth Financing Authority and Designating The Proper Municipal Officials to execute all Documents and Agreements.

Dr. Kincaid seconded the motion.

Mayor Kuhn - Moe this is a grant that we are going for am I correct?

Moe Rayan - that is correct Mayor. It is a continuation of a project that we started with a grant funding from the same entity for Lime Hollow Road. We had a segment of that road that was rehabilitated and all the sewer facilities in that area for that particular segment. It was completed now we are going after additional funding to complete the project all the way down to Sandy Creek.

Mayor Kuhn - and the grant is for \$418,200 and the Municipality share of the construction cost is \$73,800 correct?

Moe Rayan - that is correct.

Mayor Kuhn - and if the Resolution is approved our designated Municipality will be persons who can sign for everything will be our Manager, Moe Rayan and Thomas O'Grady the Director of the Water Pollution Department.

Moe Rayan - that is correct.

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

Mr. Underwood made a motion to approve **Resolution No 2016-054** - approving The Transfer of Pennsylvania Liquor Control Board License No. R-3498 into The Municipality of Penn Hills from Sharpsburg, Allegheny County, Pennsylvania, to 280 Hulton Road, Penn Hills, Pennsylvania.

Dr. Kincaid - My first question is what is the business at 280 Hulton Road?

Joseph Machinski - I am here in behalf of Shayna Enterprises, Mr. Patel and the Sunoco and you are correct it is at 280 Hulton Road in Verona and my client is seeking to bring a license in at his current business selling six and twelve packs of beer.

Dr. Kincaid - I appreciate your explanation but I was looking for the business and I see it is a business but it is a Sunoco.

Joseph Machinski - It is an existing business.

Dr. Kincaid - second follow up question just FYI do the residents in close proximity were they made aware of this new event?

Joseph Machinski - Dr. Kincaid if I may answer your question. This process here tonight is just the first step to allow my client to apply with the Pennsylvania Liquor Control Board so the PLCB has a very stringent rigorous process they do a criminal background check they require advance notice a neon orange placard in the window and the Community will be made aware. This is only a step one this isn't the approval he can't sell beer tomorrow. He has to go through the entire process background check, financial background check and all that stuff as well.

Dr. Kincaid - related to the location what other types of businesses are in proximity?

Joseph Machinski - it is a mixed Community both Residential and Business. The requirements for the Pennsylvania Liquor Control Board has that you have to be 300 feet from a church and two hundred feet from a school so they are meticulous and they will actually take out their measuring ruler and walk it to make sure that you are in compliance. My client will have to comply with all the Liquor Control Regulations.

Mayor Kuhn - I believe the location is across from the German Cemetery. That doesn't help either?

Dr. Kincaid - but I am sure the people there will not be disturbed by this. But thank you Mayor Kuhn.

Mayor Kuhn - the location right now is a fairly large gas station which is right on the corner. Heberton Road goes up from it. It is surrounded completely other than the German Cemetery surrounded by all Residential.

Moe Rayan - up from it is Arby's and Leonard Labriolas.

Joseph Machinski - Mayor Kuhn this is a convenient store gas station first and they are going to close at 11:00 P.M. No live entertainment, this isn't a bar or a restaurant. This is actually going to add four permanent jobs and my client just put a sizeable capital expense into modernizing the gas pumps and cash registers. As far as selling the beer they have to have a separate entrance, separate cash register, separate security they have to go through intense training with the Liquor Control Board so they understand scanning ID's and all of that. My client puts a lot into his security to begin with and has modernized LCD lighting, security cameras, etc. so we are looking at this as a positive to increase the tax base revenue, generate more taxes for the Community and generate more jobs and any sort of construction is sourced locally so

this project he will need a general contractor, plumber, electrician, etc. To Dr. Kincaid's point my client still has to go through all the LCB regulations but if he is going to make any changes to the property he has to go through Zoning and all of that. All this does now is allow it to come in and this just starts the clock in the process.

Mayor Kuhn - and I realize that this is the first step but this is the step that you have to have to go any further. The Municipality

Joseph Machinski - oh a very important step.

Mayor Kuhn - right. Being and I realize it being the first step and you have to go through other things with the Liquor Control Board but until we approve the transfer of the license that has to be done before you even begin to approach the Liquor Control.

Joseph Machinski - I didn't mean to minimize this step this is the most important step. I was making a point that the Liquor Control Board has a very stringent oversight as to their license establishments throughout the Commonwealth.

Mayor Kuhn - I don't know who to address this to there has been no way of letting the Community know other than advertising our Resolution?

Chris Blackwell - the requirement is that it is advertised and we have done that.

Mayor Kuhn - I realize that when the Liquor Control Board they put a big yellow card or pamphlet. It says on here that you have to have at least one Public Hearing for the purpose of allowing interested parties to state their concerns regarding the transfer of a retail liquor license. Now I don't know this is a Resolution I don't know

Chris Blackwell - it was separately advertised as a Public Hearing for tonight.

Craig Alexander - o.k.

Mayor Kuhn - we haven't held a Public Hearing.

Chris Blackwell - no I believe this is the Public Hearing.

Mayor Kuhn - so that is what I am saying. Just like when we did the Community Development that was a Public Hearing, this is a Resolution it is saying that we should have a Public Hearing so that is what I am saying is this considered a Public Hearing?

Craig Alexander - what Mr. Blackwell is saying that the Resolution follows the Public Hearing and it was separately advertised as a Public Hearing saying that this Resolution was under consideration tonight following a Public Hearing. Some Communities hold separate Public Hearings. The Public Hearing was properly advertised.

Mayor Kuhn - so what we are saying is you advertised the Public Hearing and the Public Hearing date that was advertised was tonight's meeting.

Chris Blackwell - yes that is correct. It was advertised separately from the Council Meeting.

Mayor Kuhn - but it did say Public Hearing Meeting with this date and time where our Council Meeting is?

Chris Blackwell - yes that is correct.

(inaudible)

Joseph Machinski - that is exactly correct Mr. Alexander at this point in time in the Commonwealth of Pennsylvania there doesn't exist a convenient store gas station license so that is the license that you have to get in order to sell six packs and twelve packs. In an establishment such as my clients there is not a separate license that you can get for a convenient store gas station at this point in Pennsylvania.

Mayor Kuhn - o.k. that being said my question is we are stating that if we approve this transfer of the liquor license it is called liquor license transfer does anywhere state that it is just to be for beer and wine or let's say the building gets taken down and you have a state liquor license can they put a bar up then.

Joseph Machinski - once the transfer comes in you can't do anything with it for the next five years so the licenses are transferrable after that point which you could sell it to another establishment but at this point in time with the capital expenditures. You could sell it to a restaurant the license that is and they could operate as a fully functional bar.

Mayor Kuhn - at that location?

Joseph Machinski - no not where we are but you could sell it to somebody else.

Mayor Kuhn - I realize that you could transfer it but my question

Joseph Machinski - five years after it transfers in you can't transfer it out.

Mayor Kuhn - so what you are saying for the five years it is only going to be used for beer and wine.

Joseph Machinski - actually not wine it is an additional fee that my client

Mayor Kuhn - I want to know what they are allowed. I want to know exactly what is allowed so for the first five years they are only allowed to sell beer or wine if they choose to then after the five years

Joseph Machinski - they could sell it to another establishment or they could turn it into whatever they wanted to.

Mayor Kuhn - if they would want to make that particular location a bar with this liquor license would they be able to do so?

Joseph Machinski - legally yes but economically it isn't going to work. It would have to go through Zoning as well which I doubt would get approval.

Mayor Kuhn - o.k. so just because they have the liquor license they cannot just automatically after five years put a bar in they would have to come before our Zoning?

Joseph Machinski - they could not just put a bar in they would have to come before your Zoning.

Mayor Kuhn - o.k. that answers my questions then.

Mr. Underwood - have you approached the Chief of Police about this Resolution and how people look at it from a Police view, are there any problems with that being added if we approve this?

Chris Blackwell - I have not approached the Chief of Police I am not sure if he receives the packet.

Moe Rayan - excuse me to answer that question all Department Directors they receive a copy of the full packet that is going to Mayor & Council. Police Chief Burton received a copy of the document.

Mr. Underwood - second I understand that there is some discussion about the liquor license and another gentlemen involved, are you the only one involved with the liquor license or are the person or persons coming from Sharpsburg possibly coming?

Joseph Machinski - no once they sell they are out of the picture . There can only be one Manager for a Liquor License in the State of Pennsylvania. So Mr. Patel would have to appoint a Manager who would have to undergo training with the Pennsylvania Liquor Control Board for purposes of that license so it is no one from the prior license and nothing to do with them once they sell, it is just like selling your car to someone.

Mr. Underwood - it is not a carryover?

Joseph Machinski - no no. The LCB wouldn't allow that.

Mrs. Sapp - I would like to ask a question. I have seen this location and if you could tell what type of construction you plan on doing, it is pretty tight in there now and as it was stated you would have to meet the criteria you would have to be able to seat thirty people and a separate entrance.

Joseph Machinski - yes and they are actually reviewing those regulations right now. You do have to have a separate entrance and a separate cash register so in essence it is a separate business.

Mrs. Sapp - where would that entrance be?

Joseph Machinski - I actually brought my Architect with me so if I could refer it to him.

Roger Solar - it will be on the right side of the double doors. The right side you have some bay windows.

Mrs. Sapp - so you mean where the car wash is?

Roger Solar - not as far, close on that direction where one of the windows would be taken out. Part of the LCB process they are going to review the plan and check if the square footage is appropriate and check the interior connections between the two businesses. Besides that there will be a partisan wall and there will be an installation of a twelve door walk in cooler were the six and twelve packs would go. So there is no structural work, not much construction that is going to happen.

Mrs. Sapp - so where would the seating be for the thirty people?

Roger Solar - the seating would be actually between the entrance door the new entrance door on the right side and the double door. There will be a counter about two inches high with stools and there will also be in the center additional stools.

Mrs. Sapp - so all of those things like the slurpee machine, hot coffee machines, they are all going to be removed?

Roger Solar - they will be moved to the convenient store on the left side when you enter and on the right side will be the beer side.

Mrs. Sapp - thank you.

Chris Blackwell - Mayor I want to go back there was a discussion on Zoning. The property is Zoned B-2. A bar or a restaurant would be permitted to use that location.

Mayor Kuhn - so it is already zoned that you could put a bar there.

Chris Blackwell - I don't foresee it. I think we are all going to experience this in Pennsylvania where gas stations and grocery stores have beer and wine. I just do not foresee this happening but I wanted to go back and make sure you understood.

Mayor Kuhn - and I appreciate that Chris. The thing of it is I have no problem with the beer being sold because of the fact if you go South it is sold in grocery stores and everywhere else but Arby's and that they are on Saltsburg and that is a Commercial area. The Sunoco Gas Station is surrounded by nothing but Residential homes and we have problems with some bars in our Municipality and it is very difficult to have a bar shut down so that is my concern. I was interested into if that could be transferred into a bar because in my opinion I don't want a bar in that area.

Joseph Machinski - My client I mentioned earlier just put a sizeable capital expenditure into his new gas pumps and new

Mayor Kuhn - I am familiar with it I go in it all the time and it is very busy right now to try and get a parking space to go into the store part is very difficult and like I said I don't have any problem with the beer or even the wine my only concern is I do not see that as a place for a bar so now the information that you have given us resolved some of my concerns.

Joseph Machinski - I also do some legal work for the DEP, Department of Environmental Protection and it would be extremely difficult they would have to remediate the gas tanks from underneath the property in order to do that so I am dealing with cases from the 70's where they are still fining my clients for not properly sealing tanks. First of all to have my client sell and then the expense to take those tanks out of the ground that is a herculean effort it would just be cost prohibited based on the volume of alcohol that you are going to sell at that location. So I think for Zoning two there are parking requirements, there are DEP requirements, there are environmental issues so all those would alleviate a lot of maybe not all of your concerns but it certainly makes it a tall order to bring something in like that.

Mayor Kuhn - and that is my concern because of the fact because I have phone calls from residents who are complaining because of the fact that the bars are loud the music loud they have motor cycles coming in and out and that is residential no matter what I consider that is residential and the surroundings are all homes. I don't think anything is wrong with someone stopping if they drink which I don't but if they do if they want to go in and get a six pack my only concern was so often when we do like a Zoning change the person comes in for (a) but once it is changed they can put (b), (c), (d) and (e) in there. That was my concern not with what your clients intentions are but you never know what his Aires or whoever might after he retires or what have you and that is my concern because of the fact we have so many problems. In regards to Mr. Underwood's comment Moe you are stating that the Chief did receive this and he didn't give you any indication that he didn't have a problem with this, is that correct?

Moe Rayan - yes all Department Directors they receive a copy. Maureen delivers copies to each ones mailbox for them to have prior to the meetings the same time they go out to Mayor & Council.

Mayor Kuhn - so we are assuming that the Chief would have gone over this and if he would have any concerns he would have given us a memo?

Moe Rayan - I would imagine he would have done so.

Mayor Kuhn - o.k. any other questions?

There being no further discussion the motion failed by a 2-0 vote. 2-yes, 2-no and one abstained. So the vote fails.

## **REPORTS**

Dr. Kincaid - some other members of this Council may have attended this event and they might want to report on it because I got there at the end. It was the Fireman's Appreciation Day at the Rapp Funeral Home. The part that I was able to attend on Saturday seemed to be a very successful event. I talked to some of the fire chiefs and other fire personnel and they were very appreciative of the support the Community gave on that day and I wanted to commend them on such a successful event and the contributions that all of us make toward our Fire Departments here in Penn Hills and I was happy to attend, thank you.

Mayor Kuhn - I too wanted to comment on that item also because of the fact that it was is a wonderful event but unfortunately I was not able to attend because a family member was in the hospital at the time but I also want to bring to the attention that Bernadette Rose from the Rapp Funeral Home did such a service for the volunteer fire departments. She is so dedicated and this is a very hard and long and time consuming function to put together and she works very hard at it and I go every year and the fireman put on different showings on how at one time they put one on with all the equipment how they have to go through a small window and imagine that with the smoke and what have you and the children all go and have such a great time. It is such a huge success and a wonderful program for our volunteer fire departments and Bernadette deserves a great thank you for all the work that she does.

Mayor Kuhn - I guess my report is a question also Chris. I just want to make sure we are not forgetting about the Chicken Ordinance.

Chris Blackwell - I couldn't possibly forget. I was planning on bringing it October 17th. I could postpone it.

Mayor Kuhn - I know with the budget and everything.

Chris Blackwell - November?

Mayor Kuhn - I know with the budget and everything but I am getting phone calls hoping that we are not forgetting and they don't have to wait as long as they did the last time so I am just I am not pushing you Chris because I know it is difficult but I was just wondering where we are with it.

Chris Blackwell - I appreciate you bringing it up. The Manager gets all the things that go before you so I don't know what the schedule looks like so I will be ready and I will make sure it is on there shortly.

Mayor Kuhn - and as the Mayor I do promise, Mayor & Council after you read the minutes today that the next Chicken Ordinance will not be that involved. Then I did want to bring up that Chris did a memo on the sidewalks that are going to be in the (I am trying to find it Chris and I can't where the location is) I know it is by Laketon Church.

Chris Blackwell - It is from Frankstown Road to Bon Air and eventually to Hochberg but the first phase will be from Bon Air to Tremont Street and then we have a meeting tomorrow night at Laketon Methodist.

Mayor Kuhn - that is what I wanted to bring to the public's attention. There is going to be a meeting can you give the time?

Chris Blackwell - tomorrow evening at 7:00 P.M. in the Community Room. Dr. Kincaid was very helpful in getting the number off of Pastor Thomas.

Mayor Kuhn - it was right in front of me Chris.

Chris Blackwell - she opened the Community Room for us to have a meeting there.

Mayor Kuhn - Laketon Heights Methodist Church - Tuesday, October 4th at 7:00 P.M. and they will discuss the sidewalk situation at that time if anyone is interested in going they are more than welcome.

Chris Blackwell - yes.

Moe Rayan - Mayor Kuhn If I may just to clear what Chris was saying depending upon the Agenda load there is a possibility the Chicken Ordinance to be on the November Meeting Agenda. Like I said depending on the Agenda work load either October 17th or the meeting in November because there is only one meeting in November.

Mayor Kuhn - thank you.

Moe Rayan - I believe the meeting will be November 21, 2016.

Mayor Kuhn - that will be our November meeting November 21, 2016 and there is a possibility it will be on because December we have so many Budget Meetings and it would be nice if we could have it in November if possible.

Moe Rayan - we will try depending on the Agenda load either October 17th or November 21st.

Mayor Kuhn - thank you very much. After the meeting we will have an Executive Session pertaining to Personnel Matters, may I have a Motion for Adjournment?

### **ADJOURNMENT**

Mayor Kuhn entertained a Motion to adjourn.

Dr. Kincaid made a Motion to adjourn.

Mr. Underwood seconded the Motion.

The meeting was adjourned at 8:42 P.M.

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DATE

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MAUREEN M. SORCE  
MANAGER'S SECRETARY

