

MARCH 19, 2018 COUNCIL MEETING MINUTES

Deputy Mayor Sapp - Good evening Ladies and Gentlemen we will now call our March 19, 2018 Meeting to order. It being 7:33 P.M. we will call this meeting to order. Tonight's Agenda will stand as it is. Can we stand for the Pledge of Allegiance.

APPROVAL OF AGENDA ITEMS

Deputy Mayor Sapp - The Agenda will stand as presented.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance.

ROLL CALL

Mr. Brodnicki
Mrs. Sapp
Mr. Underwood
Mr. Petrucci
Mayor Kuhn - Absent

Deputy Mayor Sapp - The Mayor is absent today due to a prior engagement, however, I have talked to her this evening and she will receive a report on tonight's meeting.

Also attending were Rayan, Municipal Manager, Sorce, Manager's Secretary, Blackwell, Planning Director, Solicitor Alexander.

PUBLIC HEARING

Deputy Mayor Sapp - I will call the Public Hearing to Order and at this time we will have the applicant come forward.

Malcolm Snyder - Good evening. We are applying for a liquor license to be moved to that location. Just to tell you a little bit about myself I live in Penn Hills.

Craig Alexander - We have a stenographer here this evening so just tell us your name.

Malcolm Snyder

Craig Alexander - And you are the applicant?

Malcolm Snyder - Yes.

Craig Alexander - And you are attempting to move a Liquor License from where to where?

Malcolm Snyder - It is from another location. We have a company that is actually doing it for us. I think it is Brentwood, I am not sure exactly.

Chris Blackwell - Baldwin.

Malcolm Snyder - Baldwin to Penn Hills.

Craig Alexander - Your company is called The Warehouse, VR, LLC.

Malcolm Snyder - Correct.

Craig Alexander - And you are going to open up a Restaurant on Verona Road.

Malcolm Snyder - Correct.

Craig Alexander - If Mayor & Council will approve your liquor license.

Malcolm Snyder - Correct, yes that is correct.

Craig Alexander - And where on Verona Road is it?

Malcolm Snyder - It is 4350 Verona Road and it is about half way in between the top and the bottom right next to Glass Block.

Chris Blackwell - Mr. Snyder could you say your address for the Court Reporter?

Malcolm Snyder - 710 Gramac Lane. So we are trying to open a Restaurant and bringing jobs to the Community, supporting that part of Verona Road. I know there are some issues down there and we want to try to develop that section of land right there and I just want to reassure everyone that we are going to do as far as the liquor license, the RAMP all of our employees will be RAMP Certified and things like that. We have a working temporary menu and we have talked to Chris and the building inspector about the building and everything like that and we are willing to do whatever they say needs to be done to make that site ready to receive what we are trying to put there.

Craig Alexander - About how many seats would you have in there?

Malcolm Snyder - We don't have, the building is basically 70 x 70 which is all useable space except of course the office, the kitchen and things like that, bathrooms. Somewhere around 5,000 square feet possibly around 200 people maybe give or take. That is pretty much what we are trying to do here.

Craig Alexander - What is the Zoning Classification?

Malcolm Snyder - It is still light commercial. We went over all those things.

Chris Blackwell - It is Zoned M - Mixed Use officially in the Zoning Ordinance. So restaurants are permitted use.

Malcolm Snyder - And if you have any questions, I will answer any questions that you need answered.

John Petrucci - I have some questions.

Deputy Mayor Sapp - Do we have any comments from the audience? If we do state your name and address please?

E. Richard Phipps - Ward Chairman of the 1st Ward of Penn Hills, resident of Penn Hills for some forty years and my problem with this proposal is no one seems to know much about it and I am going to request that Council Table this request until more information can be had concerning this. We are talking about putting a liquor license in a place where from my knowledge there are already a couple there. I don't even know what part of Verona Road this is but I would request that we Table this request until more information can be brought forth before this Council and before this body in this Community so that we can know exactly what it is that is being proposed here and that we would know more about what type of organization we are going to have. We here in Penn Hills certainly encourage more businesses to be here in the area, however, I am somewhat concerned about putting more bars in this area. That is E. Richard Phipps and I am at 177 Selvin Drive in Penn Hills.

Deputy Mayor Sapp - Thank you. Anyone who would like to speak from the audience?

Greg Swatchak - 648 Gramac Lane - I am familiar with that area and I did drive by it. It is where Hippos sort of was and where Frankstown

John Petrucci - No sir it is across the street from Bonus Tire and two doors up headed towards East Hills from the Fireman's Club and it was the old Comcast Building. Comcast initially was there a long time ago. It is across the street from Liquid Lounge and Joe's Barber Shop was right there. It is right in that section right there.

Greg Swatchak - Still what I was going to say still applies. It seems like it is a conduent area for such a thing that would be my only comment. I don't live near it but the applicant is my neighbor and I have lived on Gramac since I was twelve years old and I am 60 and since they moved in not too long ago they really seem to take care of their yard and seem to be good, responsible neighbors and I can't image how they

wouldn't follow suit with that relative to running such a business. So I just would like to make that comment for the record. Thank you.

Deputy Mayor Sapp - Thank you. Any other comments from the audience, comments for Council?

Mr. John Petrucci - I have a few concerns, first of all do you have any Architectural Drawings for this site. Let me go backwards. You aren't the owner of the property?

Malcolm Snyder - I will be the owner of the property because we are buying the property.

Mr. John Petrucci - But you didn't buy the property yet?

Malcolm Snyder - No it is in negotiations with the approval of the liquor license. So the approval of the liquor license determines whether I can get the building.

Mr. John Petrucci - So you do have Architectural Drawings.

Malcolm Snyder - I have a layout of the floor plans.

Mr. John Petrucci - No do you have Architectural Drawings?

Malcolm Snyder - No I do not because I didn't want to spend the money if it wasn't approved but I am a contractor so I do this and what I do is I draw my plans ahead of time before I give them to my Architect so that allows me not to spend money and then he gives me a better price because I pre-draw the drawings. So I can show you what I have as far as layout right now. We went over it with the building inspector and with Planning.

Mr. John Petrucci - To my knowledge I believe I did some research myself 200 seats that is 100 cars.

Malcolm Snyder - I can get 70 on that lot because we own the two lots next to it too that is part of the deal.

Mr. John Petrucci - The lady next door that has all of the flooding problems she doesn't own the property next door?

Malcolm Snyder - No she does not. We own almost up to her house. So we own that whole grassy part all the way up to the house. That is part of the deal.

Mr. John Petrucci - And as far as the building right now it needs a lot of work.

Malcolm Snyder - It needs some work, but like I said I am a contractor and we talked with the building inspector and we talked about all the things that we must do to get the building and we are prepared to do that.

Mr. John Petrucci - Can I see the drawings that you have there?

Malcolm Snyder - Sure.

Malcolm Snyder showed drawings to Deputy Mayor Sapp and all Council Members and Manager Rayan. Mr. Snyder explained the drawings to all of them.

Deputy Mayor Sapp - Mr. Snyder if you are able can you just stand back and hold the drawings up so the entire board can see them and you can explain them.

Malcolm Snyder talking without microphone so in-audible on the explanation to Deputy Mayor and Council.

Mr. Gary Underwood - And where are the pumps, further back. It is a GetGo.

Mr. John Petrucci - Where Comcast used to be.

Moe Rayan - It is by the Fireman's Club Mr. Underwood.

Deputy Mayor Sapp - Any further questions from Council? Alright if we have no further questions from Council Chris I am going to ask you is time of the essence with regards to this matter?

Chris Blackwell - Yes it is. The applicant, once the application is complete which I believe was February 15 then the Mayor & Council has 45 days to render their decision so I think we are at about 33 - 35 days something like that. I believe though if you were to desire to Table it you could ask the applicant if he would be willing to extend that time to the next Council Meeting or some further date but it would be up to him to agree to that otherwise it is 45 days and it is then deemed approval.

Deputy Mayor Sapp - Mr. Snyder I am just going to ask if you would consider giving us an extension just until we have full compliments of our Council. Our Mayor is absent tonight and at our very next meeting I would like to bring this back. But if you could extend it just until our next meeting which is April 2nd then we would have full compliments of the Council.

Malcolm Snyder - The only thing with that is we are kind of on a time table. I only have so long to keep the building on hold. We are already 90 days on April 20th and that is already past the time that we can buy the building. If I extend it another thirty days I don't know if the buyer is going to say we are not going to wait for you we are

going to put it back on the market but that is my only thing is time table and then we only have six months to get opened after if we get the license so

Craig Alexander - When is the 45 days up?

Chris Blackwell - The 45 days would be I think we are at like 35 today so 45 would be the 29th of March so you are looking at 47 to make it so it is not that much further. It is 14 days from today would be April 2nd so it would be a three day extension of time, that is correct so I am not sure if I am exactly right with the dates but that is close.

Craig Alexander - Council's desire is to Table it until there is a full compliment here, the Mayor and all the Council Members. If Mr. Snyder isn't able to issue you that three day waiver we could have a special meeting between now and the second. I don't think if you went back to the lender that they would have to much of problem with a three day waiver so we could bring this back before Council on April 2nd in order to alleviate scheduling a special meeting on March 29th.

Malcolm Snyder - O.K. If we aren't going to do it until the 29th three more days isn't going to matter.

Craig Alexander - So you are agreeing with the extension of time until April 2nd?

Malcolm Snyder - Yes if that is, yes.

Craig Alexander - Thank you.

Deputy Mayor Sapp - Thank you Mr. Snyder.

Chris Blackwell - Mr. Solicitor, do I need to advertise this again?

Craig Alexander - No.

Chris Blackwell - Thank you.

MINUTES

Mr. Underwood made a Motion to approve the **Minutes of March 5, 2018 Council Meeting Minutes.**

Mr. Petrucci seconded the Motion.

Mr. Underwood abstained because he was not at that meeting and Mayor Kuhn was absent tonight.

There being no further discussion the Motion was approved by a 3-0 vote.

EXPENDITURES

Mr. Brodnicki made a Motion to approve the **Expenditures of March 19, 2018.** Journal Vouchers - 0 - \$0.00, C.D. Requisition - 6 - \$6,195.55 and Master 40062 - 40187 - \$1,757,195.79 making a Grand Total of \$1,763,391.34.

Mr. Underwood seconded the Motion.

Mr. Petrucci - No on Check No. 40102 for \$600.00 to Don Kuhn Auto Body and yes on all the rest.

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

RESOLUTIONS

Deputy Mayor Sapp - Do I have a Motion to Table **Resolution No. 2018-011?**

Mr. Petrucci made a Motion to Table Resolution No. 2018-011.

Mr. Underwood seconded the Motion.

Craig Alexander - There is no discussion on it because it was Tabled.

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

Mr. Brodnicki made a Motion to approve **Resolution No. 2018-012** - authorizing the Submittal of Joint Active Allegheny Grant Program Application to the Redevelopment Authority of Allegheny County for an Allegheny Riverfront to Boyce Park Trail Feasibility Study.

Mr. Petrucci seconded the Motion.

Mr. Underwood - No.

There being no further discussion the Motion was approved by a 3-0 vote.

Mr. Brodnicki made a Motion to approve **Resolution No. 2018-013** - authorizing The Submission of a Recycling Program Grant Application to The Department of Environmental Protection for the purchase of Leaf Waste Recycling Collection Equipment.

Mr. Petrucci seconded the Motion.

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

Mr. Brodnicki made a Motion to approve **Resolution No. 2018-014** - authorizing The Submittal of A Community Conservation Partnerships Program Grant Application The Pennsylvania Department of Conservation and Natural Resources for Accessible Trail Improvements at Penn Hills Community Park.

Mr. Petrucci seconded the motion.

Mr. Underwood - No.

There being no further discussion the Motion was approved by a 3-0 vote.

Mr. Underwood made a Motion to approve **Resolution No. 2018-015** - awarding a Contract to TC Services for The Senior Service Center Ramp Replacement Base Bid in The Total Amount of \$31,600.00.

Mr. Petrucci seconded the Motion.

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

Chris Blackwell - I would like to thank Mayor & Council for supporting my grant applications.

Deputy Mayor Sapp - You are so very welcome Mr. Chris you do such a wonderful job. Thank you.

REPORTS

Mr. John Petrucci - Just to reiterate something that we talked about last meeting, amendments to The Home Rule Charter. I spoke with the Mayor last Tuesday, approximately 1:40 and she is in agreement again with the amendments of the Home Rule Charter and I just wanted to go over it a little bit more. We have to meet with the Solicitor and we have to go over the items that I had gone through just like we spoke of before and we are not changing the whole Charter we are just changing verbiage. I was informed by Mr. Rayan also that the Codified Ordinance could help us out also in adapting this. O.K. Mainly we are changing some wordage as far as electronic devices, monitoring and going out as publications, the taping of the meetings and stuff like that. It is not brain surgery it is just some minor modifications of The Home Rule Charter. There are 57 pages that I have gone through and each one of them needs a little bit of verbiage change to it. It hasn't been changed since 1972 so we are just going to update it a little bit for the times that we are living in now. It is kind of antiquated is what it is. Everybody was in agreement on it and I guess we are still in agreement on it. Council Members?

Mr. Underwood - No because I do not have a copy. I know nothing about it so to me this is a dead issue right now.

Mr. Petrucci - I believe you did get a copy but I will give you another copy.

Mr. Underwood - No you did not sir.

Mr. Petrucci - Well I will give you another copy of it.

Mr. Underwood - Mr. Craig already got it.

Mr. Petrucci - O.K. well I will give you another copy if you would like it. It is not a problem.

Mr. Underwood - What do you mean another copy I didn't even get the first one. Please can you understand what I am saying.

Craig Alexander - What you didn't get was what I passed out the last meeting because you were not here.

Mr. Petrucci - Which one didn't you get?

Mr. Underwood - I didn't get anything. Come on John.

Craig Alexander - The information that I passed out.

Mr. Petrucci - So it was the information that you passed out, o.k.

Mr. Petrucci - Well any how if there is anybody that would like to come with me and I think Mr. Rayan would like to go to see the Solicitor and discuss this matter I welcome the help.

Deputy Mayor Sapp - O.K. with regards to that Councilman Petrucci with the Mayor in her absence I am just going to step out and say that at this time The Home Rule Charter is a very sensitive matter that will change the whole dynamic of our Municipality so I am going to say at this time we will not be meeting with the Solicitor because we don't need to acquire excessive fees unnecessarily. We have to be very careful in the way we spend the taxpayers money so there is a lot of pre requisites that has to happen prior to us even getting to meeting with the Solicitor so when Mayor & Council meet then we can move forward so right now we are not going to be meeting with the Solicitor until Mayor & Council come together and get everything together and find out exactly what the proper protocol is. You have done a good job with reading those pages and giving the amendment but there is a proper protocol and we don't want to again

Mr. Petrucci - Well what is the proper protocol then?

Deputy Mayor Sapp - Well proper protocol before we meet there are a lot of pre requisites and before we even get to meeting with the Solicitor which will give us fees that we will have to pay unnecessarily or prematurely I should say rather we will get with Mayor & Council and

Mr. Petrucci - So you want to discuss it amongst ourselves first then go with the Solicitor.

Deputy Mayor Sapp - Yes we will go through the proper protocol of the steps in order to address

Mr. Petrucci - So we are changing what we said in the last meeting?

Deputy Mayor Sapp - At this time I am changing it at this time.

Mr. Petrucci - O.K. Let me point out one other thing to everybody Chapter 29, Title 53 and I am sure Craig is aware of this. A referendum on The Home Rule Charter for an optional plan of Government may be initiated by a petition of the electors or such a referendum might be initiated by an Ordinance so it can be done either way.

Deputy Mayor Sapp - Yes it can be but at this time one Council Person is not going to go before the Solicitor and call a meeting.

Mr. Petrucci - I didn't want to go by myself I wanted to take one of you with me.

Deputy Mayor Sapp - Right and so I am saying we are not doing that at this time.

Mr. Petrucci - o.k.

Deputy Mayor Sapp - But we are looking forward to moving forward with that Home Rule Charter because I agree with you as well as rest of Mayor & Council there are a lot of things in the Home Rule Charter that are over 30 years old that definitely need to be changed and updated.

Mr. Petrucci - Oh most definitely.

Deputy Mayor Sapp - Things are not the same as they were in 1972 but at this time we will not be meeting with the Solicitor and I would also like to say that if the Solicitor receives any phone calls that you will refer those phone calls to Mayor or to Moe.

Craig Alexander - I will do that.

Mr. Petrucci - Next I called Devin Reed at the U.S. Census Department and I was trying to get a feel on how the population was in Penn Hills. Apparently we lost 710 so far and the next census will be out in 2020 and it will be 100%. As far as the school issues up there. March 14th at 9:45 they had a march and I attended the march and it was a nice orderly march. They walked around the school. They shouted out the names of the individuals that were killed in Florida and they released some balloons and went back into the cafeteria and Tim Stevens was there as a guest speaker. Very nice event. Also one thing that is going on with them is and I think I touched on this at the last meeting Verizon and Comcast. They are actually waiting for us to start filming our Council Meetings so that they can get with us and have a joint effort along with Comcast. So in other words, basically, we have Verizon and they have Comcast. Verizon will come in here because we spend so much money and they will hook up the new Municipal Building completely for free. They will do that and they will show us how to use it. All we have to do is push a button and the whole thing will be filmed. Now Verizon and I was talking to the school district about this because they claim we are the hold up on this thing. Comcast up there is already set up and what we have to do is when we get Verizon in the new building it would have to work something like a CD so it would record our meetings then we would take the CD and bring it up to or vice versa or bring it up to their player and we would insert it into their player and we could have it broadcast on Comcast channel then they would have theirs and give it to us and then we could broadcast because it is two different networks. There is nobody I found that can intermingle the two networks together. It has to be done this way. If anybody else knows anything about this I would be glad to listen to them because I have tried numerous people and nobody can figure out how to get the two systems intermingled so that would be something that we could look in to in the new municipal building as far as getting Verizon up there. Like I said it wouldn't cost us a dime according to them and they would do everything for us and show us how to use it and basically that was it for the school information that I had. Trash containers we got the o.k. on the trash containers on the three sites that we talked about. The trash containers should be in within the next couple weeks and then we will put them up. I guess everyone knows about Toot N Scoot down at 4689 Verona Road. We got that chained off and cleaned up. The BP down at the end of Rodi, I made some phone calls. Talked to the County. That is a County owned facility. He asked me what I would like him to do with it and I said I would like you to tear it down but they laughed and they said we have \$400,000.00 into that property with the tanks. I said well we have to do something with it, it is an eye sore right now. So they said what was your next idea. I said well how about painting it up and landscaping it and chaining it off so nobody gets in there because I went down there one day and there was a couple cars parked in there. One was tagged with a green sticker and there were tires all over the place. They were suppose too go down and clean it up and chain it up and landscape it so we are working on that. I sent a couple of letters out to Marathon Oil and Sheetz to see if they would be interested in any of our vacant properties we have in the Municipality. So we will see what happens. I got a call back from Marathon and Marathon Oil is going to come out and look at some of these locations just to see what they can come up with. I want to

thank Moe Rayan for helping out at The Lincoln Park Community Center moving all of that debris out of there and putting those concrete blocks up. I went up and looked at them the other day and they are really nice and did a wonderful job and you cleaned up some of the debris and trash up on Beechford.

Moe Rayan - Ongoing matter.

Mr. Petrucci - Yes ongoing matter and hopefully we can come up with a resolution up there as to how we are going to get that done. So that is basically all I have at this meeting. That is it. Thank you.

Deputy Mayor Sapp - You are very welcome Councilman Petrucci. I want to ask you about those trash containers being installed. Is that what we talked about at the last Council Meeting with LaMar and if so Moe are you familiar with what is happening with that install with LaMar?

Moe Rayan - Yes I am. At the meeting that I had with LaMar on a different subject with regards to the shelters and the clean-up of the shelters and so on LaMar did mention to me that they were going to take Councilman Petrucci's proposal to their management and look into the matter at that meeting that is what I received from them, however, I did not hear from them but I did hear from Mr. Petrucci that they agreed to go ahead to go forward with the project provided that we are able, we as the Municipality, are able to give them sites where they can dispose of the garbage bags and so on. My suggestion at this point would be all the garbage containers located at Fire Departments are the property of the Municipality sorry not the property of the Municipality, however, the Municipality pays for garbage containers at the local volunteer fire departments so there are a couple of fire departments on their way while they are collecting they can go and dump the garbage bags in the containers and they will be picked up by our Municipal hauler.

Deputy Mayor Sapp - So you got the word from Councilman Petrucci but you didn't see the contract from LaMar yourself with regards to those installs?

Moe Rayan - I am not sure it is going to be a contract I believe Mr. Petrucci that would be just a good faith discussion. I don't know if there is going to be a contract at this point.

Deputy Mayor Sapp - O.K. I am going to ask Moe that you would talk with LaMar yourself prior to those containers being installed and see what type of liability Penn Hills would have being that there is no contract and they are going to be picking up our trash and then if you could bring that back to Council prior to those containers being installed I greatly would appreciate it.

Moe Rayan - Will do.

Deputy Mayor Sapp - Thank you. O.K. I would like to give a report. I would like to report that three of the Council Members had a meet and greet with the Department Heads of the Municipality. It was myself, Councilman Brodnicki and Councilman Petrucci and Moe. We met with all of the Directors just to do a meet and greet just to see who is who. They would know us and we would know them. I just want to give a big shout out to Moe for doing such a great job and because you do a good job handling our municipal business Penn Hills is moving forward. I also want to say that I have to apologize on behalf of Council and our residents because we did something that we shouldn't of done. At that meet and greet we were simply suppose to meet and greet but what we did we kind of violated the Sunshine Law because we asked a question what the departments would need to make them run more efficiently or run better. So I want to apologize for doing that. That was out of order. I want to apologize to the residents. That will never happen again. It was done in good faith and in good favor but we did, however, violate the Sunshine Act in doing so. So on behalf of myself, Councilman Petrucci and Councilman Brodnicki before the Mayor gets us we will get ourselves so we do apologize and we are a very transparent Council and it was nothing discussed at that time that really would concern the residents other than just that the department giving a great big thank you for Penn Hills doing what we do best and that is handling our business so with that being said Moe good job, keep up the good work and I also want to let you know that in team there is no I. Penn Hills is always a we and an us. So with that being said please remember that. On Saturday, 3/31 Easter Celebration and Egg Hunt will take place at The Penn Hills Community Park. Please bring your children out to The Easter Celebration and Egg Hunt. It is going to be a fantastic day. They have worked very hard to make sure that everything is set up and the children will have a great time as well as the adults so please bring your children, your neighbors children and go down to Penn Hills Park and enjoy yourself at the Easter Celebration. Also Penn Hills clean up day. I want to tell you, unfortunately, that I am going to miss both. I am so sad. We are going to be out of the Country on both of those dates but please attend, show up and show out and have a good time. With that being said we will have an Executive Session and I want to thank you all for coming out and I want to tell you to have a good week this week in doing what you do and we are going to ask for a Motion

Craig Alexander - I just want to address the Sunshine Act issue. One of the exceptions to the Sunshine Law but there is an exception at the Courts agrees that you are allowed to meet for informational purposes only. So if you asked the department heads for information and didn't deliberate on that at that meet and greet then that is not a violation of the Sunshine Law. So if you took the information in and brought it back to Mayor & Council and the open public that is not a violation of the Sunshine Law.

Deputy Mayor Sapp - Great thank you so much so we are not in trouble. Councilman Petrucci, Councilman Brodnicki we did a good job. Moe thank you. Make sure the Mayor gets this report. Thank you Solicitor. Now with that being said again thank you so much for coming out and have a good work week and we will adjourn for an Executive Session. Do I have a Motion to Adjourn this meeting?

ADJOURNMENT

Mr. John Petrucci entertained a Motion to adjourn.

Mr. Underwood seconded the Motion.

Deputy Mayor Sapp - Meeting is adjourned. Thank you and good night.

The meeting was adjourned at 8:15 P.M.

DATE

MAUREEN M. SORCE
MANAGER'S SECRETARY