

COMMONWEALTH OF PENNSYLVANIA

\* \* \* \* \*

PENN HILLS COUNCIL MEETING

\* \* \* \* \*

BEFORE: SARA J. KUHN, Mayor  
CATHERINE SAPP, Deputy Mayor  
(via telephone)  
SCOTT ANDREJCHAK,  
Councilman  
GARY UNDERWOOD, Councilman  
JOHN PETRUCCI, Councilman  
MAUREEN SORCE, Municipal  
Manager's Secretary  
CRAIG ALEXANDER, Solicitor

HEARING: Thursday, August 29, 2019  
10:00 a.m.

LOCATION: Penn Hills Municipal  
Building  
102 Duff Road  
Penn Hills, PA 15235

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WITNESSES: John Petrucci, Pauline  
Calabrese, Leonard Hammonds, Rita  
D'Andrea, Mr. Felix, Denise Graham-  
Shealey, Wynona Harper, Greg Swatchick,  
Jerry Chiappinelli, Craig Alexander

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## P R O C E E D I N G S

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MAYOR KUHN:

Good morning, everyone.  
Thank you for coming out for this special meeting. I do want to explain some of the policies of the Mayor and Council. We had an executive session on Saturday pertaining to criminal background checks. And it was properly advertised, and we have followed all of the particulars that need to be done as far as not only the Home Rule charter of the municipality, but also the Pennsylvania State Rules and Regulations also.

Now, I do want to say that we will --- I will present the resolution, the --- what are these called? They're not resolutions.

COUNCIL MEMBER:

Resolutions.

MAYOR KUHN:

The resolutions that are in place. I will give an explanation

1 and present for the record all of the  
2 information that Mayor and Council has  
3 so there's no question of transparency.

4 And then after I am done  
5 presenting that, as always, the  
6 audience will be asked to come up and  
7 present their comments, but under the  
8 Sunshine Act, you have to remember that  
9 you are only to speak on the agenda  
10 items, number one. And number two, you  
11 are not permitted to make derogatory,  
12 harmful comments about anyone in any  
13 way. If you do, I will have you  
14 removed from the building.

15 So just to make that  
16 clear, you can bring up anything you  
17 want that is on the agenda as stated in  
18 the Sunshine Act, but you are not  
19 permitted to make personal attacks on  
20 someone. If you do, there's not going  
21 to be I'll give you another chance  
22 because I've already presented it at  
23 the beginning of the meeting.

24 The agenda will stand as  
25 presented. And may we all stand for

1 the Pledge of Allegiance.

2 ---

3 (WHEREUPON, THE PLEDGE OF ALLEGIANCE  
4 WAS RECITED.)

5 ---

6 MAYOR KUHN:

7 Roll call?

8 MS. SORCE:

9 Mr. Brodnicki?

10 MAYOR KUHN:

11 I just want to state that  
12 Mr. Brodnicki had called and he is at  
13 work and was unable to take off. And  
14 Deputy Mayor Cathy Sapp ---

15 MR. ALEXANDER:

16 She's on the phone.

17 MAYOR KUHN:

18 --- is traveling.

19 MR. ALEXANDER:

20 She's by phone.

21 MAYOR KUHN:

22 She's on?

23 MR. ALEXANDER:

24 I have --- yeah, I have  
25 Cathy by phone.



1                   MAYOR KUHN:  
2                   Hello, Deputy Mayor. Can  
3                   you hear me?

4                   DEPUTY MAYOR SAPP:  
5                   Yes. Hello, Mayor.

6                   MAYOR KUHN:  
7                   Okay. Here we go.

8                   MS. SORCE:  
9                   Okay.

10                  MAYOR KUHN:  
11                  Okay. So go ahead,  
12                  honey. I ---.

13                  MAYOR KUHN:  
14                  That's why Mr.  
15                  Brodnicki's not here.

16                  MS. SORCE:  
17                  Okay.

18                  MR. ALEXANDER:  
19                  She's present.

20                  MS. SORCE:  
21                  She's ---. Okay. Mr.  
22                  Underwood?

23                  MR. UNDERWOOD:  
24                  Here.

25                  MS. SORCE:

1 Mr. Petrucci?

2 MR. PETRUCCI:

3 Here.

4 MS. SORCE:

5 Mayor Kuhn?

6 MAYOR KUHN:

7 Here. Did she call

8 Cathy?

9 MS. SORCE:

10 Yeah, I did.

11 MR. ALEXANDER:

12 Cathy's on the phone

13 right there.

14 MAYOR KUHN:

15 No, but I mean ---.

16 MS. SORCE:

17 I did.

18 MAYOR KUHN:

19 You have her?

20 MS. SORCE:

21 Yeah.

22 MAYOR KUHN:

23 Okay.

24 MR. ALEXANDER:

25 Cathy, we called roll

1 call for --- with your name.

2 DEPUTY MAYOR SAPP:

3 Oh, okay. Present.

4 MAYOR KUHN:

5 Okay. The first item  
6 that we're going to discuss is  
7 discussion of background check  
8 requirements and of Resolution 2018-67.  
9 This will be put into the record, so it  
10 will be public information for anyone  
11 who would like to have it.

12 It began December 3rd,  
13 2018 when Councilman Petrucci had sent  
14 a letter to Mayor and Council and the  
15 manager. Being that it's our duty to  
16 appoint Penn Hills citizens to  
17 different boards we have in our  
18 municipality, I would like to propose a  
19 criminal background check should be  
20 completed on any person taking or  
21 presently sitting on any board within  
22 our municipality. This will ensure  
23 that we have upstanding citizens in our  
24 leadership role. Now, that was  
25 December 3rd of 2018.

1                   December 28th of 2018,  
2           there was a special meeting and budget  
3           adoption. At that time, the agenda was  
4           publicized, it was advertised. Anyone  
5           could read it and anyone could attend  
6           and give any comments that they so  
7           choose to do.

8                   Under resolutions,  
9           requiring applicants for all municipal  
10          boards, commissions and committees  
11          submit to a criminal background check  
12          before consideration and appointment by  
13          the Mayor and Council, authorizing the  
14          municipal manager to develop rules and  
15          regulations for Municipal Board  
16          applicants and those seated. This was  
17          the resolution, and as I said, develop  
18          rules and regulations for applicants,  
19          and I'm sorry, and current appointees.

20                   So this was advertised.  
21          It was a public meeting. Anyone who  
22          was truly interested in the running of  
23          their government had the opportunity to  
24          come to that meeting and express any  
25          concerns or give any information

1 regarding this resolution.

2 I will read the minutes  
3 of December 28th, 2018. Mr. Brodnicki  
4 made a motion to approve Resolution  
5 Number 2018-067, requiring applicants  
6 for all municipal boards, commissions,  
7 and committees submit to a criminal  
8 background check before consideration  
9 and appointment by Mayor and Council,  
10 and authorizing the municipal manager  
11 to develop rules and regulations for  
12 the municipal applicant.

13 Mr. Petrucci second.

14 There were no further discussion. The  
15 motion was approved three to zero.

16 Myself and Councilman  
17 Underwood were not present at that  
18 meeting. Deputy Mayor Sapp said just  
19 let me give a little bit about this  
20 resolution before anyone who ever is  
21 seated at this time or is going to be  
22 seated, we are now going to be doing  
23 background checks to be sure that  
24 everyone is safe and able to act in  
25 that position. Those were public

1 statements regarding the resolution  
2 that were presented at said meeting.  
3 Again, there was no comments one way or  
4 the other regarding that.

5 April 3rd, 2019, from  
6 Solicitor Craig Alexander. Background  
7 --- this is a memo that he sent by  
8 request from Mayor and Council.

9 Background checks  
10 resolution. It is my understanding  
11 that the resolution has been  
12 implemented and that current appointed  
13 officials have been requested to submit  
14 to a criminal history report. It has  
15 been reported the compliance is  
16 approximately 60 to 40. The question  
17 posed is what can be done to those that  
18 refuse to supply the municipality with  
19 the required criminal history report?

20 Officials serve at the  
21 pleasure of the governing body and can  
22 be removed for any reason or no reason.  
23 A background check that --- if a  
24 background check is not presented, that  
25 individual can be immediately removed.

1           On the other hand, with  
2 regard to the Planning Commission and  
3 the Zoning Hearing Board, the state  
4 legislation has specifically set forth  
5 the conditions upon which a member of  
6 the Planning Commission or Zoning  
7 Hearing Board may be removed.

8           A member of the Planning  
9 Commission and Zoning Hearing Board may  
10 only be removed for malfeasance,  
11 misfeasance, nonfeasance or other just  
12 cause.

13           It is my opinion that  
14 Mayor and Council, should they choose  
15 to do so, may consider a Board member's  
16 refusal to submit to the background  
17 check as just cause for removal. If  
18 this Mayor and Council desires, then a  
19 letter should be issued to any Board  
20 member refusing to submit to the  
21 background checks stating that failure  
22 to do so in a certain amount of time  
23 may constitute just cause to remove the  
24 Board member from the position. If the  
25 person refuses, then Mayor and Council

1 would need to vote to remove the  
2 member. File an appeal to the Court of  
3 Common ---.

4 Is Cathy talking?

5 MR. ALEXANDER:

6 There's some background  
7 ---.

8 MAYOR KUHN:

9 Oh, okay. Individual  
10 would have the opportunity to file an  
11 appeal to the Court of Common Pleas in  
12 an effort to persuade the Court that  
13 refusing to follow Mayor and Council  
14 directive is not just cause for  
15 removal. Well, no one can ever know  
16 what a court may do or any --- on any  
17 given issue. It's my opinion that  
18 Mayor and Council has the better  
19 argument for success of this issue.

20 Just to comment on that  
21 briefly. Well, I'll go into that with  
22 how many times it had been submitted to  
23 the Board members to present their  
24 criminal background check. That was on  
25 April 3rd.



1                   On August 18th, there was  
2 another memo from our solicitor. Mayor  
3 had requested that I research the issue  
4 regarding the perimeters of having a  
5 potential criminal background and  
6 serving as an appointed official for  
7 the municipality of Penn Hills.

8                   Mayor and Council has  
9 enacted a resolution requiring that all  
10 current and potential appointees submit  
11 to a criminal background check in an  
12 effort to determine fitness for holding  
13 the position.

14                   What offenses would cause  
15 an appointed official to be  
16 disqualified? No person here after  
17 convicted of embezzlement or public  
18 monies, bribery, perjury or other  
19 infamous crimes shall be eligible to  
20 the general assembly or capable of  
21 holding any office or trust in this  
22 Commonwealth.

23                   What constitutes an  
24 infamous crime? This question has been  
25 answered through courts in various

1 cases throughout the history. Infamous  
2 offenses follows treason, felony, every  
3 species of --- how do you pronounce  
4 that? Crimen?

5 MR. ALEXANDER:

6 Crimen falsi.

7 MAYOR KUHN:

8 Okay. Subordination of  
9 perjury, a taint or false verdict, and  
10 other offenses of the like description,  
11 which involve the charge of falsehood  
12 and affect the public administration of  
13 justice.

14 AUDIENCE MEMBER:

15 She should have read  
16 this.

17 MAYOR KUHN:

18 Following are crimes that  
19 already preclude an individual from  
20 holding public office. Number one, a  
21 felony conviction. There is also no  
22 statute of limitation that would allow  
23 an individual to retain his or her  
24 public office upon a violation when a  
25 violation is discovered. The Supreme

1 Court has expressed this about any  
2 statute of limitation or laches,  
3 argument due to delay in removing an  
4 individual in violation of this  
5 provision, holding that the holding of  
6 public office involves public trust,  
7 and that the prohibition against those  
8 convicted of infamous crimes from  
9 holding public offices in the  
10 constitution mandated.

11 Under the new law,  
12 including both felonies and  
13 misdemeanors of the first degree,  
14 result in bans from employment by a  
15 school district for a period of time.  
16 If Mayor and Council choose to do so,  
17 it could similarly expand the scope of  
18 crimes to include all misdemeanors of  
19 the first degree, or for that matter,  
20 whatever additional crimes Mayor and  
21 Council believe should preclude serving  
22 in an appointed position as opposed to  
23 just misdemeanors involving crimes of  
24 falsehood or deception, violations  
25 under the Pennsylvania Constitution.

1                    Mayor and Council have  
2                    chosen to require criminal background  
3                    checks to ensure that municipal  
4                    appointees are fit to hold office.  
5                    Additional concerns have been raised as  
6                    to who would have possession and  
7                    control of the details of the criminal  
8                    background check.

9                    One way, perhaps the  
10                    easiest, to protect an individual's  
11                    privacy, if the individual does not  
12                    wish to provide the actual criminal  
13                    background check to the municipality is  
14                    to allow the individual to provide the  
15                    criminal background check to a  
16                    designated municipal employee such as  
17                    the manager or HR director. Documents  
18                    can be reviewed in the presence of the  
19                    individual to ensure that the  
20                    individual has no felony conviction or  
21                    conviction of criminal falsehood.

22                    I believe this satisfies  
23                    Mayor and Council's objective with  
24                    regarding to requiring criminal  
25                    background checks, as well as its

1 concern for protecting individuals'  
2 privacy and unwanted dissemination of  
3 same.

4 This has come from our  
5 manager on August 28th, 2019.  
6 Compliance with Resolution 2018-067.  
7 On January 11th, 2019, letters were  
8 sent to all Board Committees and  
9 Commission members appointed in Penn  
10 Hills. The letter included a copy of  
11 Resolution 2018-067 and consent form  
12 for Penn Hills to conduct a limited  
13 background check. The deadline for  
14 appointees was February 15th, 2019,  
15 well over six months to comply. The  
16 ones who did not submit their  
17 background check never contacted the  
18 manager or Mayor and Council to request  
19 a meeting to explain why they were  
20 refusing to abide by the resolution  
21 that was voted on and in place.

22 You also have to  
23 remember, Planning Commission and  
24 Zoning Commission, that's why they are  
25 an exception to the rule, they are in

1 charge of giving permission to those  
2 who come before their board. They sit  
3 on that board and they can say, well,  
4 I'm sorry, but your request is denied  
5 because you have not followed the rules  
6 of the municipality of Penn Hills.

7 So it is very concerning  
8 that a not only commissioner but a  
9 chairman who is given the power to deny  
10 or to accept any proposal that comes  
11 before him and the board and has the  
12 ability to deny any proposal, if they  
13 have not complied with the rules and  
14 regulations of the municipality of Penn  
15 Hills, and yet was given the resolution  
16 and the request in January, was given  
17 until mid-February to present it, was  
18 sent notices that we have not received  
19 it. And yet six months, still nothing.

20 Did not present it. Did not ask to  
21 meet with the manager or Mayor and  
22 Council to present a reason why he is  
23 blatantly not following the rules and  
24 regulations of the municipality of Penn  
25 Hills, which was advertised, a public

1 meeting held, input requests and voted  
2 upon, and is in --- what would we call?  
3 It's in now that this is a rule that is  
4 to apply to everyone.

5 There's no special  
6 exceptions. A resolution of the  
7 municipality needs to be followed. As  
8 I have said many times publicly, if you  
9 are not going to enforce a resolution,  
10 don't pass it. And if it's passed,  
11 then remove it.

12 Okay. Let me see here.  
13 The review conducted by the ---. Oh,  
14 then after the deadline passed, okay,  
15 the forms and information were returned  
16 by mail, in person or electronically to  
17 the administrative offices. The forms  
18 were received and maintained in a  
19 folder in the administrative office in  
20 a locked desk. After the deadline had  
21 passed, the gathered forms were  
22 delivered to Penn Hills Police  
23 Department.

24 The review conducted by  
25 the Penn Hills Police Department

1 included a check through the PFAD,  
2 Pennsylvania Sexual Offenders Registry,  
3 and Pennsylvania Judiciary Web Portal.  
4 The Penn Hills Police Department  
5 returned both the consent forms and  
6 included a cover sheet that noted the  
7 outcome of the review.

8           Once received, the cover  
9 sheet from the Penn Hills Police  
10 Department and the consent form was  
11 maintained in a folder in a locked  
12 storage room. At no time did either  
13 the documents leave the possession of  
14 either the Penn Hills Police Department  
15 or the administrative offices of Penn  
16 Hills.

17           If you truly did not  
18 submit because you were concerned about  
19 your personal information, once again,  
20 present that argument to the manager  
21 and Mayor and Council. To assume is  
22 very dangerous. Facts are what need to  
23 be determined and followed. If there  
24 was a concern presented, the manager  
25 would then explain exactly what I read.



1 And if you have 80 percent of people  
2 who turned in their criminal background  
3 check, and if you look at school  
4 districts, sports, anything, people are  
5 required to present a criminal  
6 background check. So I don't know why  
7 anyone would think that because you are  
8 particular planning commissioner, that  
9 your information would be spread  
10 throughout the land. If that was the  
11 case, then everyone who presents a  
12 criminal background check should have  
13 the same concerns.

14 Now, within this time  
15 period, Mayor and Council had  
16 discussions on how we could enact  
17 verbiage into the ordinance that would  
18 satisfy the protection of someone's  
19 personal information.

20 However, as I stated to  
21 Mayor and Council, I am in agreement.  
22 We can enact something. The concern  
23 was if you were 16 or 18 years old and  
24 was charged with marijuana, would that  
25 be able to be a reason that we would

1 consider, but not gun violence.

2 Gun violence in this day  
3 and age is not acceptable in any way,  
4 shape or form. Families drop their  
5 children off at school and go to work  
6 and receive a call that their children  
7 have been shot and killed at school by  
8 gun violence. I believe it was  
9 Newtown. These were babies who parents  
10 dropped off and were killed because of  
11 gun violence.

12 You can't go to L.A.  
13 Fitness and work out. You're killed by  
14 gun violence. You can't go to a  
15 synagogue in Pittsburgh to pray.  
16 You're killed by gun violence. You  
17 can't go to Walmart to buy supplies for  
18 your children to go to school. You're  
19 killed by gun violence.

20 It is reality for some  
21 unknown reason. Gun violence is so  
22 prominent in the United States of  
23 America. You listen to television  
24 after these tragedies and you are told,  
25 be aware. Look and see if you think

1 someone is having any type of behavior  
2 that you think could promote gun  
3 violence. All --- anyone who wants to  
4 come up and object to this, that's your  
5 opportunity.

6 But I will say this. In  
7 all probability, not 'til it's time in  
8 all probability. God forbid if any  
9 violence would happen, they would be  
10 the same people up here saying, well,  
11 Mayor and Council, you were aware of  
12 the criminal background check, and why  
13 did you do nothing?

14 On July 29th, 2019, the  
15 request letter was sent to those  
16 appointees who had not yet submitted  
17 information or consent in accordance  
18 with Resolution 2018-67. By my count,  
19 there are 48 appointees to Board  
20 Committees and Commissions. As of  
21 August 28th, there's 83 compliance, 83  
22 percent compliance. I don't know who  
23 thinks they don't have to be under the  
24 same rules as the 83 percent that  
25 complied were.

1                   AUDIENCE MEMBER:

2                   I don't ---.

3                   MAYOR KUHN:

4                   Mayor and Council spent  
5 an elaborate amount of time taking in  
6 all the information and what could be  
7 done and what could not be done. In  
8 essence, the noncompliance is within  
9 itself a reason for dismissal.

10                   You can speak when I call  
11 for a public speaking.

12                   We did not receive a  
13 criminal background check from Mr.  
14 Chiappinelli as we requested. But we  
15 received from a concerned resident a  
16 copy of which, which is what prompted  
17 our decision that we had to move  
18 immediately based on the information.

19                   This is all right to read  
20 into public?

21                   MR. ANDREJACK:

22                   I believe it --- I have  
23 not seen it, Mayor. And we talked  
24 about it on Saturday, I was on the  
25 telephone.

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MAYOR KUHN:

It's public knowledge.

MR. ANDREJACK:

It's a public record.

MAYOR KUHN:

Being that this is public record, and we have residents that are so concerned about public records being presented so that Mayor and Council don't have information that the public doesn't, this would never be presented publicly had Mr. Chiappinelli done what the municipal resolution stated had to be done. The municipality worked from January until August in every attempt to make them comply. And as I said, not only didn't they comply, they never asked what could they do if such and such was on the record?

Now, people will state it was 1975. But as I read in the Pennsylvania law, there is no statute of limitation on this.

The reason this is public knowledge, but also Mr. Chiappinelli

1 himself had spoken to the media and had  
2 the information presented to the media,  
3 so therefore, I do not think that Mayor  
4 and Council is being hard on reporting  
5 this, being that Mr. Chiappinelli  
6 himself discussed it publicly in the  
7 news media.

8 This is regarding ---  
9 this is from the Justice of Peace  
10 Magisterial District Lee Mazur,  
11 Complaint Number 1975 198C-A, that on  
12 or about September 6th, 1975, in the  
13 County of Allegheny, the Defendant  
14 unlawfully did then and there  
15 intentionally, knowingly ---.

16 MS. CALABRESE:

17 Solicitor, we object.  
18 Solicitor, we object.

19 MAYOR KUHN:

20 Excuse me, Pauline. Do  
21 you have an objection? If you do, you  
22 can speak after we are done.

23 MS. CALABRESE:

24 I feel this is an  
25 appropriate time ---.

1                   MAYOR KUHN:

2                   If you could come up,  
3 Pauline. I can't hear you. And speak  
4 loudly, please.

5                   MS. CALABRESE:

6                   Thank you, Your Honor. I  
7 feel this is an appropriate time,  
8 because you are about to read into the  
9 record that has been reported on on  
10 ---.

11                   MAYOR KUHN:

12                   What's she saying?

13                   MS. CALABRESE:

14                   The Tribune Review has  
15 reported two days ago on what you're  
16 about to speak about. And as a  
17 taxpaying citizen, I think we're  
18 getting awfully close to when you take  
19 a look at what you're about to read  
20 because we --- you're going --- you're  
21 talking about a criminal record. The  
22 man has no criminal record. Nowhere on  
23 this agenda do you mention ---.

24                   MAYOR KUHN:

25                   Pauline, let's get ---

1 first of all, I have given you the  
2 opportunity to speak when it wasn't  
3 appropriate or time for you to speak.  
4 This is public record. Am I correct?

5 MS. CALABRESE:

6 What I would like to say  
7 is that nowhere on this agenda is that  
8 ---.

9 MAYOR KUHN:

10 I can't hear what she's  
11 ---.

12 MR. ANDREJACK:

13 I'm going to tell you in  
14 a second.

15 MS. CALABRESE:

16 Can you hear me now?

17 MR. ANDREJACK:

18 She's having a hard time.  
19 She doesn't have her hearing aids in.  
20 So I'm going to repeat it to her when  
21 you're done, Pauline.

22 MS. CALABRESE:

23 Sure. I'll speak slowly.  
24 Nowhere on this agenda is Mr. Jerry  
25 Chiappinelli's name, and yet you bring



1 that up right now. I am here as a  
2 taxpayer to say that it seems to me  
3 that this is the stuff that lawsuits  
4 are made of. And you have ---.

5 MAYOR KUHN:

6 All right, Pauline.  
7 Let's cut to the chase here.

8 MS. CALABRESE:

9 I'll cut to the chase.

10 MAYOR KUHN:

11 What you are saying is  
12 because we did not put on the agenda  
13 exactly what his criminal background  
14 check has stated, you are saying that  
15 we should not present this to inform  
16 the public of why the Mayor and Council  
17 have chosen to make the decision they  
18 made.

19 Is that what your comment  
20 is, basically? I'm sorry. I had  
21 surgery and I'm having a hard time  
22 hearing in my ears.

23 MS. CALABRESE:

24 I understand that. I'm  
25 happy to speak slowly and to let Craig

1 repeat what I say.

2 No. What I'm saying that  
3 this smacks of --- this is akin to  
4 selective prosecution.

5 MR. ALEXANDER:

6 Why don't you just state  
7 when you became aware when you were in  
8 the ---?

9 MAYOR KUHN:

10 I can't hear you, Craig.

11 MR. ALEXANDER:

12 Mayor, if I may, why  
13 don't I just say what you learned  
14 instead of reading verbatim what the  
15 criminal complaint says?

16 MAYOR KUHN:

17 So Ms. Calabrese, you are  
18 stating on record that you have no  
19 problem with Mayor and Council having  
20 information that is relevant to the  
21 decision they're making presented to  
22 the public, so you have no problem  
23 saying that this municipality is not  
24 transparent in not giving the public  
25 the information they have. Is that

1 what you're stating?

2 MS. CALABRESE:

3 No. Actually, what I'm  
4 saying is, first of all, I find it odd  
5 that this is not ---.

6 MAYOR KUHN:

7 Please. Like I said,  
8 I've given you the opportunity. Please  
9 just basically say yes or no to the  
10 question I asked you.

11 MS. CALABRESE:

12 No, that's not what I'm  
13 saying. What I am saying is, and  
14 please don't mischaracterize what I'm  
15 saying. I stand here as a taxpayer and  
16 this sure seems like we're on the ---  
17 this is the stuff that lawsuits are  
18 made of.

19 The quotation by  
20 Councilman Petrucci is in the Trib, the  
21 article that just came out less than 48  
22 hours ago, speaks about a criminal  
23 record of Mr. Chiappinelli. There is  
24 no criminal record.

25 MAYOR KUHN:

1                   Okay.

2                   MS. CALABRESE:

3                   No, this is --- this ---.

4                   MAYOR KUHN:

5                   All right. I'm asking a  
6 question of the Solicitor. Do you want  
7 --- should this be included or  
8 shouldn't it?

9                   Pauline, you can sit down  
10 and you can speak when everybody else  
11 does.

12                   MS. CALABRESE:

13                   Well, I just would like  
14 to say ---.

15                   MAYOR KUHN:

16                   You can sit down and you  
17 can speak when I ask for ---.

18                   MS. CALABRESE:

19                   Here we go again. This  
20 is the way the process is.

21                   MAYOR KUHN:

22                   Oh, come on, Pauline. I  
23 gave a directive. And until January  
24 2020, I am the mayor.

25                   MS. CALABRESE:

1 I understand that.

2 MAYOR KUHN:

3 So I told you, I gave you  
4 an exception to let you speak. You  
5 spoke. I've asked for a decision from  
6 the Solicitor, and I am asking you to  
7 please take your seat and you can  
8 continue speaking when everyone else in  
9 the audience has. You put your point  
10 across. I'm asking for a legal  
11 opinion.

12 MS. CALABRESE:

13 Thank you.

14 MAYOR KUHN:

15 Thank you.

16 MR. ALEXANDER:

17 Okay. So just so  
18 everybody's aware. We had an executive  
19 session last Saturday at 11 o'clock or  
20 1 o'clock. I participated by  
21 telephone, and I was made aware that  
22 Mayor and Council had this information.

23 And instead of reading it  
24 verbatim, Mayor, I believe it is public  
25 record. I believe that anybody can

1 obtain it if they want to. And what it  
2 is, it's an allegation of criminal acts  
3 with regard to an individual. Those  
4 allegations are simple assault and  
5 terroristic threats. I think that  
6 that's what prompted Mayor and Council  
7 to move forward on the agenda items  
8 today.

9 Is that fair to just say  
10 it that way?

11 MAYOR KUHN:

12 That's a --- that's fine  
13 with me, although I am taking the  
14 opinion of the Solicitor.

15 But as far as being a  
16 resident, as far as being a taxpayer,  
17 that's who I answer to. And when I  
18 receive information and I am going to  
19 have an action that that information  
20 has prompted, and it's public  
21 knowledge, it's not hearsay. It's not  
22 attacking. It is an exact document  
23 that is public knowledge to anyone.

24 It was my opinion that  
25 the public should be made aware. But if

1       that's --- if the decision and the  
2       question was to hide the information to  
3       the public, and the Solicitor has made  
4       his opinion on it, then I will not put  
5       it into record. But I will be on  
6       record to state that I do think that  
7       the public has the right to know  
8       information of this importance.

9                   MS. CALABRESE:

10                   You didn't finish.  
11       Everything was dismissed.

12                   MAYOR KUHN:

13                   Pauline, do you have any  
14       concept of what it is to be in the ---  
15       I know you didn't come to any meetings  
16       until you decided to run for an office.

17                   COUNCIL MEMBER:

18                   Derogatory.

19                   MS. CALABRESE:

20                   Derogatory.

21                   MAYOR KUHN:

22                   But do you have any  
23       concept on what the rules are when you  
24       sit in the chambers of the Council  
25       meeting? No. I don't want an answer

1 from you. I'm just stating, I gave you  
2 an opportunity, but you are never  
3 satisfied.

4 You will have the  
5 opportunity to speak when I ask for  
6 comments from the audience. I don't see  
7 anyone else in the audience coming up  
8 or interrupting when they are aware  
9 that they will have the opportunity  
10 when I ask for comments from the  
11 public.

12 So I am asking you again  
13 to keep your remarks until you have the  
14 right to come up and speak when the  
15 audience is requested.

16 Okay. This took me off,  
17 which it's so horrible when Mayor and  
18 Council want to present something on a  
19 professional level and have a spin put  
20 on it to take away from the actual  
21 situation that is involved onto  
22 something else. That --- then the  
23 headlines can read, Mayor has  
24 confrontation with resident.

25 This is an information



1 that Mayor and Council have gone over  
2 and are presenting. It's very sad that  
3 it has to be turned into a circus and  
4 not a professional meeting.

5 I have read everything  
6 documented that the municipality has  
7 done since January 'til August. I have  
8 presented nothing personal. I have  
9 presented the facts as presented as to  
10 what took place, and to why Council has  
11 made the decision they are making  
12 today. It's that simply. Don't shoot  
13 the messenger.

14 Mayor and Council did not  
15 conduct the criminal charges. You have  
16 to be responsible for your actions. I  
17 didn't want to go into any of this  
18 comment because of the fact this was --  
19 - I had it all presented to just  
20 present it as facts. If you want to  
21 accept the facts, fine. If you don't  
22 want to present the facts, that's fine  
23 too. That's your privilege to speak.

24 Mayor and Council was  
25 more than lenient, more than

1 respectful, more than patient with this  
2 blatant position of not complying, but  
3 also not even to make an attempt to say  
4 why.

5 Six months, multiple  
6 meetings and conversations to try to  
7 make the criminal background check as  
8 fair as it possibly could. But when  
9 something is brought to Mayor and  
10 Council's attention of the severity,  
11 then we had no choice but to make a  
12 decision. If you aren't happy with  
13 that decision, I'm sorry.

14 Every Council --- you  
15 could present to every Council member  
16 why you are not happy with their  
17 decision. But my decision was based on  
18 the environment that we live in and the  
19 fact that I personally am against gun  
20 violence.

21 Now, before I open it up  
22 to the public, I will give the  
23 opportunity, if wanted, to Council to  
24 make their comments on what we're  
25 voting on today.

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MR. PETRUCCI:

Mayor Kuhn, I believe that the criminal background check is a tool. And that tool is giving us the ability to coincide with the Pennsylvania Constitution. It already mandates that individuals with certain criminal convictions are ineligible to hold public office.

There's a complete parameter that's set up by the Pennsylvania Constitution. How are we supposed to know if this person fits into that parameter that guides us by the Pennsylvania Constitution?

So we have to use this tool to guide us and tell us what's going on with somebody's background. We don't want --- and I think we can all agree, we don't want a person with a tainted history reading up at the library to some of the kids that are going in there for story time. We don't want a person with a tainted history that's on a board working in

1 the senior citizen's center helping  
2 somebody out with their taxes.

3 We don't want somebody  
4 with a tainted history on a commission  
5 or a board again making decisions for  
6 the public in this community. So that  
7 is why the criminal background check,  
8 in my eyes, was established.

9 There's so much going on  
10 in today's society that we must know a  
11 little bit about the people that are  
12 running our community.

13 Now, as a sitting elected  
14 official, and if you run for an elected  
15 office, there's a parameter that  
16 according to our home rule charter also  
17 gives us that we can't have a felony in  
18 our background.

19 But there is rules set in  
20 place by the Pennsylvania Constitution,  
21 and we must abide by them. And again,  
22 this is our tool to find out what is  
23 actually in some of our Board members'  
24 pasts. That's all.

25 MAYOR KUHN:

1                   Are you done? Gary, do  
2 you have anything to say? No?

3                   MR. UNDERWOOD:

4                   No.

5                   MAYOR KUHN:

6                   Comments from audience?  
7 And as I said, you will be given four  
8 minutes to present your comments  
9 pertaining only to what is presented on  
10 the agenda.

11                   Please state your name  
12 and your address.

13                   MS. CALABRESE:

14                   Good morning, Your Honor.  
15 My name is Pauline Calabrese. I live  
16 at 142 Crescent Hills Road.

17                   As I said, here we go  
18 again. It is stunning to me that here  
19 we sit, this meeting is called on a  
20 Thursday at 11 o'clock. People are at  
21 work. Typically, the meetings are  
22 filmed. There's no video here today.  
23 There was an emergency session on ---  
24 an emergency executive session on  
25 Saturday? What's the emergency?

1                   You knew that the Deputy  
2 Mayor was going to be not available.  
3 You knew that Councilman Brodnicki, who  
4 is the one who put forth the ethics  
5 legislation, could not be present.

6                   This is stunning what's  
7 happening here. Make no mistake about  
8 it. I don't think there's anybody in  
9 the universe that is in favor of gun  
10 violence. But here we sit, and you  
11 have all this innuendo. We talk about  
12 a person who has zero, he has no  
13 criminal record. And yet you sit up  
14 there, Mayor, and you forget to say the  
15 second half of the story.

16                   It's stunning to me that  
17 we're pushing this through. You  
18 neglect to mention that Councilman  
19 Petrucci, and this is the crux of it,  
20 who is the Republican candidate for  
21 mayor, has targeted the Democratic  
22 chair of the Penn Hills Democratic  
23 Committee. That's what this is all  
24 about.

25                   But I say as a taxpayer,

1 this is frightening because you say  
2 these things with either malice or  
3 total disregard for the truth, and you  
4 still haven't cleared that up as you  
5 sit up there. And these are the things  
6 that lawsuits are made of. These are  
7 the things that give the appearance of  
8 impropriety.

9                   So as I look at this  
10 process, I don't think anybody's ---  
11 anybody would object to a criminal  
12 background check. But then you use the  
13 phrase interchangeably, Mr. Petrucci,  
14 with a background check. What does  
15 that mean? You want someone's credit  
16 report? This is the very reason why  
17 the --- as of the writing of the last  
18 article, close to 50 percent of the  
19 people did not comply with this  
20 request.

21                   Criminal records are  
22 public information. If you're talking  
23 about clearances, typically,  
24 individuals provide their clearances.  
25 Nobody objects, I don't believe that

1 anybody would object to background  
2 checks. We object to the process.

3 In this particular case,  
4 the timing is suspicious. You've let  
5 this go on for months and then you call  
6 an emergency executive session on  
7 Saturday when again you know the Deputy  
8 Mayor is not present.

9 This clearly is driven by  
10 politics. Make no mistake about it.  
11 That's what this is about. Thank you.

12 MR. HAMMONDS:

13 Good morning, Mayor and  
14 Council. My name is Leonard Hammonds.  
15 1568 Loretta Drive.

16 I'm here today because  
17 I'm disheartened. I'm here because  
18 Penn Hills was founded in 1958 and  
19 turned into a municipality in '76. And  
20 until 2018, all of a sudden, out of the  
21 air, we need to have this resolution.  
22 Why is that?

23 We look at the fact that  
24 we have a veteran, a man who's been  
25 serving his community, and all of a



1 sudden, over a personal vendetta, we  
2 have this resolution. And now, all of  
3 a sudden out of coincidence, his  
4 information is leaked to the media.  
5 And now we're talking about gun  
6 violence.

7 Well, it's strange to me  
8 ---. Well, first, I want to know if  
9 you can hear me.

10 MAYOR KUHN:

11 You want to know what?

12 MR. HAMMONDS:

13 Can you hear me? I want  
14 to make sure that she can hear me.

15 MAYOR KUHN:

16 No. But the Solicitor is  
17 taking down and I will ---.

18 MR. HAMMONDS:

19 Okay. Well, you speak  
20 about gun violence.

21 MAYOR KUHN:

22 Pardon?

23 MR. HAMMONDS:

24 You speak about gun  
25 violence and how important it is to you

1 in Penn Hills.

2 MAYOR KUHN:

3 What is he saying?

4 MR. HAMMONDS:

5 Well, I had a cousin  
6 whose name was Douglas Hammonds, who  
7 died here in Penn Hills with gun  
8 violence. And I put in multiple  
9 packages to have a meeting with you to  
10 talk about gun violence and I couldn't  
11 get a meeting. As a Marine veteran who  
12 served as one of your parade Grand  
13 Marshals, couldn't get a meeting with  
14 the Mayor to talk about gun violence.  
15 And when a grant came forward to help  
16 our community with gun violence, that  
17 was ignored.

18 So let's not talk about  
19 things and try to make it out that Mr.  
20 Chiappinelli's the enemy here. Mayor  
21 and Council has a job to do, and we  
22 need to put personal vendettas aside  
23 and focus on Penn Hills.

24 All of us in this room  
25 have sinned and fall short of the glory

1 of God. There's nobody in here that  
2 could throw a stone at anybody. But if  
3 you do decide to throw a stone, make  
4 sure you don't throw it at a David  
5 because he knows how to hurl back a  
6 stone and take down that Goliath in his  
7 path. You all have a good day.

8 MS. D'ANDREA:

9 Can I speak now? Can I  
10 speak now? I'm asking them.

11 Okay. My name is Rita  
12 D'Andrea. I'm Jerry's sister. I came  
13 here in 2001 to live in Penn Hills.  
14 Not by choice. By chance.

15 Jerry, when he saw his  
16 father being attacked in '75, went  
17 crazy. Naturally, anybody would if  
18 they saw their father being attacked.  
19 The man had open heart, but even if he  
20 didn't, that's your father.

21 Then he went outside, he  
22 saw them on his car, and that's when he  
23 shot up in the air. He didn't shoot  
24 anyone. It was dismissed by Mazur.  
25 The man has no criminal record.

1                   He's done more for Penn  
2 Hills than anyone I know. I'm not  
3 saying this because I'm his sister. I  
4 know it. I live it. He helped  
5 everyone in here with their campaigns  
6 and they won.

7                   So I think Jerry is an  
8 upright citizen. He has no criminal  
9 record, nothing. Everything's  
10 dismissed.

11                   You want to see Mazur?  
12 He lives in Plum. Go talk to him. You  
13 have your records downtown. So that's  
14 where I stand. I didn't choose Penn  
15 Hills. I had to come here in '01.

16                   Now, he was cleared for  
17 the White House, Tomb of the Unknown  
18 Soldier. So if you're cleared for the  
19 White House, the best in the land, then  
20 Penn Hills means nothing. And that's  
21 the way it is. The man is a good  
22 citizen. Thank you.

23                   MR. FELIX:

24                   Hello. Hello. Hello,  
25 Mayor and Council. It looks like we're

1 coming up on lunch. I'm really hungry.  
2 I'm going to go down to a local  
3 restaurant we support, Foon. We're  
4 going to have Asian food today.

5 However, I have some  
6 questions for people on the dais. I  
7 also have two comments to make before I  
8 ask my questions. I would expect an  
9 answer from the people I address, not  
10 from the people I do not address, if  
11 that's protocol.

12 The first comment is Mrs.  
13 Calabrese is completely correct on the  
14 questions of transparency in this  
15 issue. The second comment is that Mr.  
16 Hammonds is completely correct on his  
17 problem with the timing and the  
18 political nature of this resolution.  
19 So I want you to all remember that.  
20 That's what a lot of people in this  
21 community feel.

22 My question is, my first  
23 question is for the Solicitor, with  
24 whom I have a good relationship and I  
25 trust him. Hi, Craig.

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MR. ALEXANDER:

Hi, Felix.

MR. FELIX:

Are we prepared ---? I lived through the dismissal of many municipal employees for breaking municipal regulations and the subsequent lawsuits that encumbered our municipality financially and tied up our code enforcement for years.

I also have witnessed some very, very messy severance packages that have encumbered our municipality financially for years. Are we prepared to defend against the inevitable lawsuits? And not just from the person that we've been focusing on today, which seems unfair to me, but there are other members of these commissions, and I have served on these commissions. Mrs. Meyer from the library. I don't think she has submitted hers. Mrs. Donohue, perhaps. I'm not sure about Mr. Stock. Mr. Sapp, Ms. Fitzhenry. I know all of the

1 people who served in this community on  
2 these commissions.

3 I would like to know how  
4 many openings there are going to be  
5 very soon. I'd like to reapply, maybe  
6 for something a little better than the  
7 Library Board, which was disrespected  
8 for years.

9 My second question is for  
10 Mr. Andrejchak. Do we have money in  
11 the coffers to battle these inevitable  
12 lawsuits?

13 MR. ALEXANDER:

14 Felix, this is your  
15 opportunity to comment.

16 MR. FELIX:

17 That's my question.

18 MR. ALEXANDER:

19 I'm not prepared to  
20 answer it.

21 MR. FELIX:

22 Okay.

23 MR. ALEXANDER:

24 It's your opportunity to  
25 make your comment.

1       MR. FELIX:

2                               I believe I've made my  
3       comments.

4       MR. ALEXANDER:

5                               There's no --- we don't  
6       have an obligation. I don't have an  
7       obligation to answer and have an  
8       interaction ---.

9       MR. FELIX:

10                              Okay. I will conclude  
11       ---.

12       MR. ALEXANDER:

13                              It's your time.

14       MR. FELIX:

15                              I will conclude with this  
16       is a warning to the municipality, to  
17       Mayor and Council, and to those in  
18       charge of our finances as a taxpayer  
19       that to wade into this financial morass  
20       again will not do anybody any good for  
21       just a little bit of political  
22       pleasure.

23       MS. GRAHAM-SHEALEY:

24                              Denise Graham-Shealey,  
25       7860 Mount Carmel Road.



1 I came here today fully  
2 prepared to blast this Board, this  
3 Council, because I didn't follow it in  
4 the news, but according to the Tribune-  
5 Review, it seems like things were a  
6 little amiss as far as who was actually  
7 being brought up under this new policy,  
8 what the policy was really all about.  
9 So I do say I commend you for the  
10 actual background check because I don't  
11 want any pedophile with the kids or  
12 whatever.

13 What I don't appreciate,  
14 and believe me, I don't have a nickel  
15 in this dime. Is this meeting about  
16 people who did not do the criminal  
17 background check, or is this meeting  
18 about singling out one person?

19 Don't clap for me 'cause  
20 I'm not on your side. But I don't like  
21 the way this happened because that  
22 could be anybody in this municipality.  
23 Anybody. Could have been me, but I  
24 don't have a record.

25 So again, the narrative

1 that you have spun out is that this is  
2 a personal vendetta because I heard  
3 Mayor say that executive session was  
4 called on Saturday and this information  
5 was given. Who leaked that to the  
6 press? That's the part that upsets me.  
7 And from all that I've ever known about  
8 this municipality, while I was on the  
9 School Board, I looked up to you guys  
10 because you didn't have the drama that  
11 we did. But what was put in that paper  
12 and Dillon Carr --- that whole article  
13 was trash.

14 But is this meeting today  
15 about someone or someone's, he, she,  
16 who did not follow the policy? Or are  
17 we here to single out one person? If  
18 it's because someone didn't follow the  
19 policy, then I get that. But we need  
20 to change the narrative on this because  
21 we look bad.

22 MS. HARPER:

23 I'm Wynona Harper. I  
24 live at 1874 Lincoln Road.

25 And when you talk about

1 gun sense laws, my son was a homicide  
2 victim here, November 14th, 2013. I've  
3 seen no one take action, come forward  
4 to helping the families.

5 And Jerry is a great guy.  
6 He has helped my family, and supportive  
7 of the things that surrounds these guns  
8 and these issues. When you talk about  
9 background, what type of background are  
10 you seeking on him? Because I feel  
11 that it's a personal vendetta. You  
12 know, it doesn't speak about our  
13 community. It doesn't speak about  
14 leadership. It speaks about how  
15 divided we are as a community.

16 And I think it's sinful  
17 and shameful that this is directed  
18 towards one person because I never  
19 heard anything about this meeting,  
20 these changes, or anything taking place  
21 here in Penn Hills. And that's all I  
22 got to say.

23 MAYOR KUHN:

24 Any other comments? Just  
25 to address some of the comments, as far

1 as ---.

2 Oh, I'm sorry. I'm  
3 sorry, Greg. I didn't know you were  
4 coming up.

5 MR. SWATCHICK:

6 Thank you, Mayor and  
7 Council. I just came here basically to  
8 get educated on this.

9 MR. ALEXANDER:

10 Name and address, Mr.  
11 Swatchick.

12 MR. SWATCHICK:

13 Pardon me?

14 MR. ALEXANDER:

15 Name and address?

16 MR. SWATCHICK:

17 Greg Swatchick, 648  
18 Gramac Lane.

19 I just came up here to  
20 sort of get educated on this. And  
21 having done so in a limited way, I'd  
22 just like to make a couple comments.

23 I interfaced with Mr.  
24 Chiappinelli back in the Penn  
25 Hills/Wilkins boundary dispute, and I

1 distinctly remember him telling me at  
2 Sheetz across from Penn Center one time  
3 that nobody's going to do anything  
4 against the laws and the zoning and  
5 whatnot because we all watch each  
6 other. We're all watching each other  
7 to the extent that, you know, the  
8 implication, no one's going to get away  
9 with anything. So I think that speaks  
10 for itself, however it wants to be  
11 interpreted.

12 Another thing I'd just  
13 like to say is my grandfather, who died  
14 at 92, he was a simply --- simple-  
15 speaking guy, and he said one time to  
16 me, and I'll always remember this,  
17 politics is a dirty game or politics is  
18 a --- can be a dirty game.

19 And I thought, you know,  
20 I'm more idealistic. It doesn't have  
21 to be a dirty game. It should be a  
22 cooperation. There's a pendulum swing  
23 who's in power. So that pendulum swing  
24 coupled with time, coupled with what he  
25 said, we're all watching each other,

1 from objective standpoint, what's wrong  
2 with a background check? I don't see  
3 anything wrong with it. I don't have  
4 super strong feelings either way.

5 But it seems to me that  
6 if you aren't in a position where you,  
7 as you described eloquently, Mayor,  
8 there should be that extra degree of  
9 scrutiny that you're willing to succumb  
10 yourself to.

11 And along those lines,  
12 and I don't know if it's germane to the  
13 topic at hand, but I think it's  
14 ensnared by all this, philosophically.  
15 When people are delivering the Meals on  
16 Wheels, they're up close and personal  
17 to open doors of citizens who trust  
18 that it's a legitimate close contact.  
19 So I don't know if the municipality  
20 from a legal entity has its arms  
21 around, you know, when you're  
22 categorizing who gets background  
23 checks, whether or not it should be or  
24 is expanded, or there's any policy in  
25 place to scrutinize who gets to deliver

1 those Meals on Wheels because the  
2 senior citizens are probably the most  
3 vulnerable of us all. Thank you very  
4 much.

5 MAYOR KUHN:

6 Thank you.

7 MR. CHIAPPINELLI:

8 I have to. Jerry  
9 Chiappinelli, 921 Cimarron Drive.

10 I apologize to all the  
11 people that took the time and effort to  
12 come and assist me, and I'm sorry that  
13 it came to this.

14 But from the beginning,  
15 and by the way, I never knew about this  
16 meeting. Dillon Carr called me on  
17 Monday and told me about it, and  
18 supposedly, it was supposed to be  
19 Wednesday. I was never given a notice  
20 that there was even a meeting. I never  
21 even knew that I could come and sit in  
22 the manager's office and talk about  
23 clearance. I never knew that. I only  
24 got one notice and I never got an  
25 explanation.

1                   And I spoke to the  
2 manager many times in the past couple  
3 months, and he never said Jerry, you  
4 want to come in and talk to me and give  
5 me clearance? Show me pictures of your  
6 clearance at the White House, at the  
7 Tomb of the Unknown Soldier? At your  
8 boat ride for special kids that you do  
9 for 35 years? At your plaque in  
10 Soldiers and Sailors Hall for veterans?  
11 In all the things you do for the  
12 community?

13                   Mr. Andrejchak never  
14 asked me to come in and talk to him and  
15 give him proof or credentials. I  
16 didn't know about that. But I will not  
17 submit to putting my Social Security  
18 number in a drawer where everybody and  
19 their mother could look at it and  
20 everybody and their mother could hack  
21 me. And then do I trust it? No.

22                   We have Citibank, we have  
23 the VA being hacked. We have  
24 --- not Enron. Ancestry.com. And I'm  
25 an insurance agent. I have to protect



1 my image. I have 52 years of an  
2 insurance agent with no criminal  
3 background.

4 That man was attacking my  
5 dad. John Petrucci knew my dad. My  
6 dad and his father were friends, and I  
7 was his friend for years. And that was  
8 a place, One-Eyed Jack's, it was a  
9 teenage club. And I came in and my  
10 father was being beaten by three  
11 people. And the criminal that accused  
12 me, I beat the --- I would do it again.  
13 And I threw him outside, Mayor. You  
14 can hear me?

15 And when I went to hold  
16 my dad in my arms, who was bleeding,  
17 they were beating my car outside. I  
18 put my dad down gently, went outside.  
19 And there was three of them jumping on  
20 my car. I screamed at them, probably  
21 vulgar, and fired in the air, and they  
22 all ran.

23 The man and his mother  
24 went a couple days later to the  
25 District Justice. And in those days,

1 the way it was done, you could file a  
2 complaint. It was dismissed. The  
3 process at the time was it had to go to  
4 the District Attorney. It had to go  
5 through the --- supposedly the Grand  
6 Jury, but I never heard of it, and then  
7 it was dismissed.

8 And in 45 years, I've  
9 been through so many background checks,  
10 you did another one. Whoever the  
11 concerned citizen, in the courtroom  
12 downtown, during the lawsuit, they will  
13 have to be there, because the law says  
14 I can face my accuser.

15 I have done whatever I  
16 could for this community. I've served  
17 with valor on the Planning Commission  
18 for ten years. You appointed --- Mayor  
19 DeLuca appointed me once. You  
20 appointed me twice. I worked on your  
21 campaign. I worked on Gary's campaign.  
22 I worked on Mayor Sapp's campaign. I  
23 worked on Mr. Brodnicki's campaign.  
24 For years, no one ever wanted to know  
25 about my background.

1                   This is a personal  
2 vendetta. And I am so sorry that the  
3 Penn Hills people have to put up with  
4 this.

5                   Now, there's a meeting  
6 tonight of the Planning Commission, and  
7 I had to study for three hours on the  
8 plans, which I get no pay. No one on  
9 the Board gets pay. We don't get  
10 stipends. We don't get --- but we were  
11 coming here for ten years.

12                   MAYOR KUHN:

13                   Mr. Chiappinelli, we are  
14 extending your time, just so you know.

15                   MR. CHIAPPINELLI:

16                   Oh, I didn't know there  
17 was a time.

18                   MAYOR KUHN:

19                   You've been over four  
20 minutes. So if you could just wrap it  
21 up in two, that would be very  
22 appreciative.

23                   MR. CHIAPPINELLI:

24                   I certainly will. Mayor,  
25 I have no animosity against anyone

1 here. I love Penn Hills. I choose to  
2 live here. I came here in '68 as a  
3 poor Italian boy from Larimer Avenue,  
4 as you reminded me one time.

5 We are all immigrants to  
6 Penn Hills. And I remember when the  
7 mayor at the time in '72 turned town  
8 the \$40 million to make Rodi Road four  
9 lanes because she didn't want to open  
10 it up to the world.

11 Mr. Hammonds, thank you  
12 very much. I appreciate you, my  
13 brother veteran.

14 MR. HAMMONDS:

15 I appreciate you.

16 MR. CHIAPPINELLI:

17 And remember one thing.  
18 They will always hate us. They will  
19 never love us.

20 MR. HAMMONDS:

21 Right on. Right on.

22 MR. CHIAPPINELLI:

23 But meanwhile, they  
24 always want us to defend them. Thank  
25 you, my brother.

1                   MR. HAMMONDS:

2                   Thank you.

3                   MR. CHIAPPINELLI:

4                   I mean it. Thank you,  
5 Mayor. Thank you very much.

6                   MR. HAMMONDS:

7                   Thank you.

8                   MAYOR KUHN:

9                   Thank you very much. Is  
10 that the end of the comments from  
11 audience?

12                   AUDIENCE MEMBER:

13                   And I have ---.

14                   MAYOR KUHN:

15                   I will ---. No, you've  
16 already spoken. That's for anyone who  
17 hasn't already spoken.

18                   AUDIENCE MEMBER:

19                   Already ---.

20                   MAYOR KUHN:

21                   Okay. Just to simply  
22 address some of the comments that were  
23 made to Mayor and Council.

24                   First of all, to make the  
25 statement that we are targeting Mr.

1 Chiappinelli, if you would follow the  
2 agenda, number six is --- I'm sorry,  
3 number seven is removal of appointees  
4 not in compliance with Resolution 2016-  
5 67, which is what we will be discussing  
6 at the next item on the agenda, and you  
7 will see that we have --- we are voting  
8 on the removal of any of the Committee  
9 people who have not sent in their  
10 background check.

11 So to say that this is  
12 targeted to Jerry Chiappinelli, you ---  
13 the people making those comments are  
14 making it personal, not the Board. The  
15 Board is not targeting anyone. As I  
16 said, if you would have been patient to  
17 see the removal of appointees, and we  
18 have a list that they are receiving the  
19 identical letter that Mr. Chiappinelli  
20 is receiving. So no, this is not a  
21 political witch hunt and this  
22 ---.

23 AUDIENCE MEMBER:

24 Can we see the letter

25 ---?

1                   MAYOR KUHN:

2                   This --- no. I've  
3 already asked for public comment. This  
4 is not a political witch hunt.

5                   AUDIENCE MEMBER:

6                   If he's being --- I'd  
7 like to ---.

8                   MAYOR KUHN:

9                   This is what Mayor and  
10 Council has done to make sure that a  
11 resolution that is in effect for the  
12 municipality is carried out. So that's  
13 for that comment.

14                   Why did we need a  
15 resolution for background checks all of  
16 a sudden? Well, if anybody watches  
17 television or follows the news, you  
18 will see that background checks is  
19 number one on the agenda for all of the  
20 United States of America due to the  
21 environment that we were in.

22                   I didn't know anyone's  
23 background checks. I made my vote on  
24 what I thought would be the best  
25 interest for the welfare and protection

1 of the municipality. We didn't see  
2 anyone's background checks. No one on  
3 Council with the 80 percent that sent  
4 them in did not see the background  
5 checks. The background checks was  
6 something we did all of a sudden, yes,  
7 because of the environment that we were  
8 in.

9 If we were targeting or  
10 personal vendettas, we would have gone  
11 after everyone February 16th when they  
12 did not comply. We didn't. We gave  
13 everyone the opportunity to present it.

14 And as far as making a  
15 statement, I didn't know I could come  
16 up to the municipality, I find that a  
17 very weak excuse. If you receive  
18 something and you don't want to do it,  
19 you have several choices. You can come  
20 before Mayor and Council and state your  
21 objections, or you can resign.

22 A law is a law. It's not  
23 a personal vendetta. It was  
24 advertised. It was discussed at a  
25 public meeting. It was voted on. So



1       how is that a personal vendetta when we  
2       didn't know what the background checks  
3       would provide?

4                       We didn't target anyone  
5       because we didn't know what the  
6       background checks would provide. We  
7       were doing something, that believe me,  
8       other communities are looking into  
9       doing the same. So use the term  
10      targeting, personal vendettas, how is  
11      it a personal vendetta when we are  
12      applying it to all who didn't comply?  
13      Do we have personal vendettas against  
14      them also? That's a cheap shot. But  
15      that's your opinion which you are  
16      entitled to.

17                      Now, of course, we didn't  
18      provide the information that we  
19      received from the criminal consent  
20      document because we were asked not to.

21      However, there's comments made  
22      pertaining to that document by  
23      speakers, and there was no objection to  
24      the speakers putting forth their  
25      opinion on the criminal background

1 information. But when Mayor and  
2 Council wanted to present it, it was  
3 the most horrible thing in the world.

4 Let's see. If we have  
5 background checks by people before we  
6 appoint them, that would be very  
7 beneficial because then that would be  
8 part of the decision the Mayor would  
9 have in their appointments and the  
10 decision Council would have on voting  
11 on them.

12 Where are you at, Denise?

13 MS. GRAHAM-SHEALEY:

14 Got to get back to work.

15 MAYOR KUHN:

16 There we go. Now, Denise  
17 Graham-Shealey, who I will make a  
18 personal statement on. I respect her  
19 in every way possible. Do I think she  
20 would challenge me if she believed what  
21 I was doing was not proper? I would  
22 expect nothing less.

23 So other than that, as I  
24 said, this was a special meeting on a  
25 subject that was based on specific

1 facts and information that was  
2 presented to your Mayor and Council.  
3 If we wouldn't have acted on it, and if  
4 it would have come out, you would  
5 probably, some of you would be the same  
6 people who would be up here criticizing  
7 Mayor and Council saying Mayor and  
8 Council had this information and you  
9 did nothing.

10 If you want to criticize  
11 the facts, then that's fine. The facts  
12 are presented and put into the record.  
13 But to have a smokescreen on personal  
14 vendettas and targeting, what in the  
15 facts that were presented showed  
16 anything in that regard?

17 Everyone has a right to  
18 their opinion. You all have a right to  
19 your opinion. We are taxpayers and  
20 residents, and we have a right to our  
21 opinion.

22 So does anyone else have  
23 any comments on the statements made by  
24 the public?

25 Then we will move to

1 number seven, removal of appointees not  
2 in compliance with Resolution 2018-67.

3 Do I have to call for a  
4 motion.

5 MR. ALEXANDER:

6 You have to call for a  
7 motion.

8 MAYOR KUHN:

9 Do I have a motion?

10 MR. PETRUCCI:

11 Mayor Kuhn, I'll make a  
12 motion to remove the list of persons  
13 who are not in compliance ---.

14 MAYOR KUHN:

15 Do I have a second?

16 MR. PETRUCCI:

17 Second.

18 MR. ALEXANDER:

19 Did you finish your  
20 motion?

21 MR. PETRUCCI:

22 Removal of persons not in  
23 compliance that sit on boards.

24 MAYOR KUHN:

25 Is there a problem?

1                   MR. ALEXANDER:

2                   I didn't think John was  
3 finished with his motion.

4                   MAYOR KUHN:

5                   Oh, I'm sorry. Go ahead,  
6 John. I apologize.

7                   MR. PETRUCCI:

8                   No, I finished it. It  
9 was for removal of persons sitting on  
10 boards that are not in compliance with  
11 the background check. And if we can,  
12 can we read who's on the list?

13                   MAYOR KUHN:

14                   Now do I have a second?

15                   COUNCIL MEMBER:

16                   Second.

17                   MAYOR KUHN:

18                   Motion made and seconded.

19                   Upon the appointed  
20 officials who failed to comply with the  
21 resolution that was in place, I am  
22 asking for the identical letter that is  
23 being sent to Mr. Chiappinelli to be  
24 sent to Arlene Holtz, Penn Hills Arts  
25 Council; Nick Lamia, Penn Hills Arts

1 Council; Jean Meyer, Penn Hills Library  
2 Board; Patrick Tassari, Personnel  
3 Board; and Mr. Chiappinelli, Planning  
4 Commission.

5 Now, Rita Spalding from  
6 the Penn Hills Arts Council, her letter  
7 was returned, returned to sender, as  
8 was Anthony Solazzo, UCC Board of  
9 Appeals, returned to sender, not  
10 received.

11 And as I said that, if  
12 they appear in person and share  
13 documents and clearances, that would  
14 have eliminated all of this.

15 So these people who have  
16 not complied by the resolution in place  
17 by the Penn Hills Municipality, they  
18 too will be receiving the identical  
19 letter that is being sent out to Mr.  
20 Chiappinelli. So I don't know why we  
21 would be targeting these people, so  
22 that would be speculation that you can  
23 handle.

24 I don't know how we can  
25 argue violation of a resolution that is

1 in place. And I don't know how we can  
2 argue being to every possible way  
3 careful on the gun violence that has  
4 been happening throughout our country.

5 And just a personal note,  
6 and it's my personal feelings, these  
7 terrible tragedies are not done by  
8 minority communities. These personal  
9 tragedies are not done by young  
10 African-American community. They are  
11 not done by immigrants. They are done  
12 by people that everyone is with, knows,  
13 has talked to, relates to, but did not  
14 see the signs.

15 So if you want to  
16 criticize Mayor and Council for being  
17 overprotective, that's your choice.  
18 But a background check, if you have  
19 nothing to hide and nothing that you  
20 don't want to be shown, there's no  
21 reason not to present what the  
22 municipality has put into place.

23 And as I said, if you  
24 didn't like what we did, then you can  
25 resign from the Board. But all these

1        comments that everyone has, we are  
2        having a habit of bringing up comments  
3        after they have been publicized,  
4        publicly discussed, and then voted on.  
5        And that's not a good habit.

6                    We make every attempt to  
7        make the agenda accessible. Read the  
8        agenda. If there is something that you  
9        are not satisfied with, that you want  
10       to make a comment on, the time is to do  
11       it prior to the vote.

12                   I am sorry if anyone has  
13        been offended. This was pure and  
14        simple, a factual meeting. What we are  
15        doing today is voting on approval to  
16        mail out the letters. Once they get  
17        their letters, they have 15 days to  
18        have a hearing. After the hearing,  
19        then Mayor and Council will vote on  
20        whether to remove. That's the process  
21        and that is the process that Mayor and  
22        Council has followed.

23                   Thank you all for coming.

24                   Do I have to ask for a  
25        vote?



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MR. ALEXANDER:

You do. But may I make a comment?

MAYOR KUHN:

Yes.

MR. ALEXANDER:

You referenced letters that you're going to send to the named individuals that you put forth that didn't comply, and you talked about the one person that was going to get a letter. And that's because the municipality's planning code requires that additional due process of 15 days of notice. So you're going to give that additional due process to everyone that's on that list, is my understanding?

MAYOR KUHN:

I'm sorry. I didn't make that clear. We will do what the law states we have to do for planning and zoning.

MR. ALEXANDER:

And apply it to

1 everybody?

2 MAYOR KUHN:

3 But being that it doesn't  
4 appear that the municipality is  
5 targeting. We also want to send the  
6 letters out to the others who have ---.

7 MR. ALEXANDER:

8 So just so the public's  
9 aware, the municipality's planning code  
10 requires for Planning Commission  
11 members and Zoning Hearing Board  
12 members only that a letter be sent to  
13 them prior to their removal, 15 days  
14 prior to their removal, notice that  
15 removal's a consideration. And during  
16 that 15 days, they have the opportunity  
17 to request a hearing on why they  
18 shouldn't be removed.

19 So that's what the Mayor  
20 was talking about when she talked about  
21 a letter being sent to Mr. Chiappinelli  
22 because he's on one of those two  
23 boards. And what I heard the Mayor  
24 say, with regard to the other folks is  
25 that she's going to apply, or rather,

1 Mayor and Council's going to apply that  
2 same level of due process even though  
3 the other members, the other Board  
4 members sit at the pleasure of Council.  
5 They can be removed at any time for any  
6 reason. But they're going to apply  
7 that same level of due process to those  
8 other Board members and give them the  
9 15 days to request the hearing as well.

10 And I just want to state  
11 with regard to the comments that I  
12 heard with regard to the background  
13 checks, Jerry stated what happened 45  
14 years ago and the process of how that  
15 happened, that how it went downtown.

16 I just glanced at the  
17 documents that were referenced earlier  
18 today, and you know, I heard Ms.  
19 Calabrese say that it was dismissed. I  
20 heard Rita, Jerry's sister, say that it  
21 was dismissed. I can't see anywhere in  
22 that document that I looked that it was  
23 dismissed. And I believe them, it  
24 probably was. But it's not in the  
25 document.

1                   And for whatever reason,  
2                   it's a Common Pleas document that they  
3                   have. It's the docket from the Court  
4                   of Common Pleas. And my knowledge of  
5                   criminal law, I don't have vast  
6                   knowledge of criminal law, but I have  
7                   some knowledge of criminal law, and  
8                   when things are dismissed at the  
9                   magisterial level, it never gets to  
10                  Common Pleas. So there wouldn't be a  
11                  Common Pleas docket if it got dismissed  
12                  at the magisterial level. Well, Jerry  
13                  explained that. He said back in the  
14                  day, it went downtown. And that's why  
15                  there's a criminal docket downtown.

16                  Well, this Mayor and  
17                  Council doesn't know that. All they  
18                  see is what they see on paper. And had  
19                  that background check been turned in  
20                  and said no criminal record, boom, end  
21                  of it. That's the whole purpose of the  
22                  criminal background check.

23                  So listen. I --- this  
24                  person would never target anybody based  
25                  on mere allegations. Never. The

1 background checks are in place to  
2 assure that mere allegations aren't  
3 considered.

4 By all Mayor and Council  
5 has at this point are those mere  
6 allegations, and it's a criminal docket  
7 downtown, so it appears that it went  
8 downtown. So they had some  
9 responsibility to look at that and take  
10 action. That's all. And that's why  
11 these letters are getting sent out, to  
12 give those folks the opportunity to  
13 come in and say look, here's no  
14 criminal background. That's all I have  
15 to say.

16 MR. ANDREJCHAK:

17 Craig, if I could just  
18 add one thing to it, the two letters  
19 that were sent out, the letter said if  
20 you have any questions or concerns,  
21 call or stop in. So we did put that in  
22 the letter, that folks that got that  
23 letter could have called if they chose.  
24 I just wanted to add that into the  
25 record.

1                   MAYOR KUHN:

2                   Thank you, Solicitor.

3                   Did I --- I had both my motions and  
4                   second. Roll call?

5                   MS. SORCE:

6                   Deputy Mayor Sapp?

7                   MR. ALEXANDER:

8                   Cathy, they just called  
9                   for the vote.

10                  DEPUTY MAYOR SAPP:

11                  Yes. I have a question  
12                  before the vote. I was trying to --- I  
13                  was going to talk after Craig got  
14                  finished.

15                  MR. ALEXANDER:

16                  She has a question before  
17                  the vote.

18                  MR. ANDREJCHAK:

19                  Go ahead.

20                  DEPUTY MAYOR SAPP:

21                  Okay. My question is, is  
22                  that last letter that's going to be  
23                  sent out, the final letter, is it going  
24                  to include the options that a person  
25                  has the option to come up and show

1 their clearances and then that will be  
2 satisfied?

3 MAYOR KUHN:

4 I believe, and I'll have  
5 the Solicitor give his opinion, but I  
6 believe the resolution is for criminal  
7 background checks. I don't know if  
8 that's the same as clearance.

9 MR. ALEXANDER:

10 That is the same as  
11 clearance.

12 MAYOR KUHN:

13 Is that?

14 MR. ALEXANDER:

15 Yes.

16 DEPUTY MAYOR SAPP:

17 Well, the criminal ---  
18 it's interchangeable, but the  
19 background check, is it going to be  
20 added in the letter ---

21 MR. ALEXANDER:

22 What the deputy ---.

23 DEPUTY MAYOR SAPP:

24 --- this final letter  
25 that we're going to be sending out,

1 that the ---

2 MR. ALEXANDER:

3 What the ---.

4 DEPUTY MAYOR SAPP:

5 --- member or the seated  
6 Board member has the option to come and  
7 submit their clearances ---

8 MR. ALEXANDER:

9 What the Deputy Mayor is  
10 asking, Mayor ---.

11 DEPUTY MAYOR SAPP:

12 --- themselves.

13 MR. ALEXANDER:

14 What the Deputy Mayor is  
15 asking, Mayor, is is the final letter  
16 that I'm sending out, are we going to  
17 include options in that letter that  
18 state that the affected individuals  
19 that haven't complied are permitted to  
20 bring those clearances to the  
21 municipality, those criminal background  
22 checks to the municipality, allow the  
23 manager to review them to ensure that  
24 there's no criminal background, and  
25 will that satisfy Mayor and Council to



1 stay in their seated position?

2 DEPUTY MAYOR SAPP:

3 Yes, that's what I'm  
4 asking.

5 MAYOR KUHN:

6 Well, I'll have to ask  
7 Counsel, Cathy, but I have no problem  
8 with that, even though that's not the  
9 due process that we are to follow. But  
10 contrary to ---.

11 DEPUTY MAYOR SAPP:

12 These are ---.

13 MAYOR KUHN:

14 Just a minute, hon.

15 Contrary to what the public has stated  
16 today, all the municipality was asking  
17 for was criminal background checks or  
18 clearances, whatever the word, that's  
19 all we were asking for.

20 And as I said, we went  
21 through six to eight months trying to  
22 work with everyone to receive that.  
23 And just for the record, I will go  
24 along with your request, but just for  
25 the record, it would have been

1 professional and respectful if those  
2 who chose not to send in the criminal  
3 background checks had made a phone call  
4 or came up and said, if I bring this up  
5 myself and you check it and then I can  
6 take it back, that's all we were asking  
7 for.

8 But all the comments that  
9 were made today, there was no comment  
10 as to why, from January to August,  
11 those who didn't comply made an attempt  
12 to ask if they could do something like  
13 what you are putting in power.

14 This is not something  
15 that is political or was to be a circus  
16 arena. This was something that we, as  
17 Council, felt was the right thing to  
18 do. We did not, February 16, jump down  
19 everybody's throat and say, well,  
20 you're off.

21 And you know, Cathy, we  
22 have gone over and over what we could  
23 implement into the resolution for the  
24 protection of the people. But we faced  
25 this

1        --- .

2                    DEPUTY MAYOR SAPP:

3                    Listen, I don't think it  
4 was communicated well with ---

5                    MAYOR KUHN:

6                    Right.

7                    DEPUTY MAYOR SAPP:

8                    --- those letters.

9                    MAYOR KUHN:

10                   I have no problem ---  
11 now, I don't know what the other  
12 Council will do, but I myself have no  
13 problem with amending the motion to  
14 include that all who would want to  
15 bring their clearance up themselves,  
16 but I will state this. As I stated,  
17 I'm against gun violence. I don't care  
18 when it happened or when it didn't.  
19 Any felony with gun violence will not  
20 be accepted by my vote.

21                   So Councilman Petrucci,  
22 do you want to put that in or not?

23                   MR. PETRUCCI:

24                   Just for the record, this  
25 will be the third ---.

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MAYOR KUHN:

Pardon?

MR. PETRUCCI:

Just for the record, this will be the third chance that we're giving these people on Board to submit to the criminal background. The third time. Am I right?

MR. ANDREJCHAK:

That would be correct.

MR. PETRUCCI:

Manager Andrejchak said that's correct.

MR. ANDREJCHAK:

He said this will be the third time that they're given the opportunity to do that, and he just wanted it in the record.

DEPUTY MAYOR SAPP:

Well, it was just brought up at the last --- at the prior Council meeting, and that's in the record. So that letter did not --- the letter that went out to those people who didn't comply, that did not include that

1 option.

2 MR. ANDREJCHAK:

3 Correct, Cathy, Deputy  
4 Mayor.

5 MAYOR KUHN:

6 So Cathy, you are stating  
7 then that you are not against the  
8 criminal checks. Is that correct?

9 DEPUTY MAYOR SAPP:

10 I am definitely not  
11 against the criminal background check.  
12 I'm against the process.

13 MAYOR KUHN:

14 Okay. But as long as  
15 they present the criminal check as was  
16 suggested by the Solicitor, personally  
17 by themselves, then that's what you are  
18 asking to have placed into the motion?

19 DEPUTY MAYOR SAPP:

20 Yes, that's what I'm ---  
21 that's what I'm asking.

22 And also, just to make a  
23 quick comment, gun violence, I'm also  
24 against gun violence. I don't support  
25 gun violence. However, I do support

1       defending yourself. And if you are  
2       licensed to carry and you need to  
3       defend yourself, that's the whole  
4       reason we have the licenses. So I'm  
5       not against defending yourself with a  
6       firearm.

7                               MAYOR KUHN:

8               Well, I agree in  
9       defending yourself. But if you're  
10      relating to the particulars that were  
11      in Mr. Chiappinelli's criminal  
12      comments, the --- I don't believe that  
13      was necessary. The other person didn't  
14      have a weapon. And from what I read in  
15      the --- there was no comment in the  
16      criminal report that his father was  
17      involved or was being beaten up. It  
18      was because the gentleman had done  
19      something to his car.

20                      And I do not feel that we  
21      are a society that today, we can say,  
22      well, if you have a permit to carry a  
23      weapon, and if someone is doing damage  
24      to your car, it wasn't that he was  
25      protecting himself because the criminal

1 document stated that Mr. Chiappinelli  
2 was beating the gentleman's head  
3 against the car. And then he took the  
4 gun out and fired it.

5 So I am not going to be  
6 of the opinion that we are to overlook  
7 and make exceptions after exceptions  
8 after exceptions. We --- this was  
9 ---.

10 DEPUTY MAYOR SAPP:

11 Right. And I'm okay with  
12 that, Mayor.

13 MAYOR KUHN:

14 This will be --- this  
15 will be the third letter that was sent  
16 out. And I know that I had discussed  
17 this with you when I said for a Board  
18 member, especially on personnel or  
19 zoning, to blatantly ignore a rule of  
20 the municipality and make no attempt to  
21 give a reason as to why, I believe the  
22 municipality and Mayor and Council have  
23 been more than lenient and more than  
24 patient. So ---.

25 DEPUTY MAYOR SAPP:

1                   Well, I'm not sure,  
2           Mayor, if the other people listed on  
3           that list who didn't comply, if they  
4           came to the municipality or not. But I  
5           do know that Jerry Chiappinelli did  
6           come to the municipality and he did  
7           mention to Scott that he wasn't going  
8           to turn in the background check. So he  
9           did do that. In all of their defense  
10          ---.

11                   MAYOR KUHN:

12                   Well, I do want to do  
13          that, but I don't want it to be put in  
14          there that it will be at the discretion  
15          of Mayor and Council not knowing who  
16          --- what administration would be in  
17          there.

18                   As to --- it's the  
19          Court's decision to say if the person  
20          was discharging a weapon for his own  
21          protection, and that language was not  
22          put into the criminal report.

23                   DEPUTY MAYOR SAPP:

24                   Okay. And for the sake  
25          of time, I'm just going to end with



1 this note, Mayor. I am licensed to  
2 carry. And this is to the public as  
3 well. And if I feel threatened at any  
4 time --- I commend Jerry Chiappinelli  
5 for firing into the air because if I  
6 feel threatened and I need to fire my  
7 firearm, I'm going to make sure that I  
8 make contact with my target.

9 MAYOR KUHN:

10 Well, everyone can do  
11 what they choose. But I don't want ---  
12 I would definitely not want, especially  
13 anyone who has a --- somewhat of a  
14 mental health problem or a young person  
15 to be able to say that they're going to  
16 take a gun to a fight and have open  
17 shootings because of the fact they  
18 thought they were being unprotected.  
19 But that's something for the Court to  
20 decide, not you or I, Cathy.

21 DEPUTY MAYOR SAPP:

22 Okay, then. All right.  
23 That was just a comment.

24 MAYOR KUHN:

25 So we'll drop it at that.

1 You have your opinion, I have mine.  
2 And as I said, that's not for Mayor and  
3 Council, in my opinion, to decide  
4 whether or not the person felt that he  
5 was in personal harm to be done to him.  
6 That's not my decision. That's the  
7 Court's decision.

8 All right. Do I have a  
9 motion to amend the motion that was  
10 presented and to include that once the  
11 letters are sent out, they are given 15  
12 days to have a hearing or to present to  
13 Mayor and Council their criminal  
14 background check, which is satisfactory  
15 to Mayor and Council as to what they  
16 are presenting? I need a motion for  
17 that amendment. Cathy?

18 DEPUTY MAYOR SAPP:

19 Oh, yes, yes. I'm sorry,  
20 Mayor. It's hard to hear you. Can you  
21 --- are you asking me for my vote?

22 MAYOR KUHN:

23 So you're making the  
24 motion?

25 MR. ALEXANDER:

1 I think proper procedure  
2 would be for John to either withdraw  
3 his motion and put a new motion on the  
4 floor, or John to amend his motion and  
5 have Gary second that amendment.

6 MAYOR KUHN:

7 Okay. Gary, you second  
8 the motion or are you going to rescind?

9 MR. UNDERWOOD:

10 Second.

11 MAYOR KUHN:

12 John?

13 MR. PETRUCCI:

14 What am I doing?  
15 Rescinding my motion?

16 MR. ALEXANDER:

17 You're either going to  
18 rescind your motion or so that somebody  
19 else can make a motion or amend your  
20 motion.

21 MR. PETRUCCI:

22 Okay. I'll rescind my  
23 motion. Go ahead.

24 MR. ALEXANDER:

25 Okay. And you rescind

1 your second.

2 MR. UNDERWOOD:

3 So now it's --- now the  
4 table is available for a new motion.

5 MAYOR KUHN:

6 Okay. Do I have a new  
7 motion to add the language into the  
8 motion that was presented stating that  
9 those who receive this letter within  
10 the 15 days that is allowed for them to  
11 have a hearing, they can either have  
12 --- request a hearing, or they can  
13 present to management their background  
14 check that represents what Mayor and  
15 Council is asking for. And once it is  
16 checked by the manager, and he is able  
17 to sign off on it, they can then take  
18 it back to their personal selves, and  
19 that way, it will not be able to be  
20 presented to anyone other than the  
21 manager.

22 Does that suffice?

23 DEPUTY MAYOR SAPP:

24 Yes.

25 MAYOR KUHN:

1 All right. Do I have a  
2 motion for that?

3 DEPUTY MAYOR SAPP:

4 I'll make a motion,  
5 Mayor.

6 MAYOR KUHN:

7 Okay. Do I have a  
8 second?

9 MR. UNDERWOOD:

10 Motion made and second.  
11 Roll call.

12 MS. SORCE:

13 Deputy Mayor Sapp?

14 DEPUTY MAYOR SAPP:

15 Yes.

16 MS. SORCE:

17 Mr. Underwood?

18 MR. UNDERWOOD:

19 Yes.

20 MS. SORCE:

21 Mr. Petrucci?

22 MR. PETRUCCI:

23 Yes.

24 MS. SORCE:

25 Mayor Kuhn?

1                   MAYOR KUHN:

2                   Yes. Thank you all for  
3 coming.

4                   MR. ALEXANDER:

5                   Motion to adjourn?

6                   MAYOR KUHN:

7                   Do I have a motion to  
8 adjourn?

9                   MR. UNDERWOOD:

10                  Mayor Kuhn?

11                  MAYOR KUHN:

12                  Councilman Underwood?

13                  MR. UNDERWOOD:

14                  I would like to make a  
15 motion to adjourn.

16                  MAYOR KUHN:

17                  Do I have a second?

18                  MR. PETRUCCI:

19                  Second.

20                  MAYOR KUHN:

21                  Motion made to second.

22                  All in favor, say aye.

23                  AYES RESPOND

24                                 \* \* \* \* \*

25                                 MEETING CONCLUDED

CERTIFICATE

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I hereby certify that the foregoing proceeding was transcribed from the recorded audio on 9/17/2019 and that I attest that this transcript is a true and accurate record of the proceeding to the best of my ability.

  
Michelle Ann McKeen  
Court Reporter