

**CITY COUNCIL MEETING
MINUTES
Monday, July 12, 2010
7:00 p.m.**

Mayor Eisaman called the meeting to order at 7:00 p.m. City Administrator, Susan Trout, took roll call with the following members present: Councilwoman McCormick-via phone, Councilman Peterinelli, Councilman DePasquale and Mayor Eisaman. City Solicitor, Timothy McCormick and City Treasurer/Fiscal Director, Mary Perez were also present. Councilman Tridico was absent.

*****PLEDGE OF ALLEGIANCE*****Councilman DePasquale

*****BIDS*****

RFPs for Wide-Area Fiber Network Products and Services. Ms. Trout, "We opened bids in preparation of our last Council meeting and at that time I made a recommendation that you table those bids so we could have some further review on them. Basically out of all three of the bids received there was only one bid from Celerity Integrated Services that even met our bid criteria, however, at that time I had told you it was outside of our budget; we had budgeted \$20,000 for the project. The lowest bid came in at \$26,950. Since that occurred and since the installation of Wally's dispatch equipment, with that ongoing project, we've decided that we really don't want to go this way. The bids are too far outside the budget; we don't feel like we can support the expense. So we're going to recommend that you reject these bids."

U.S. Utility Contractor Co., Toledo, OH (This bid did not include the required bid bond.)	<u>\$28,324.51</u>	Disqualified
Celerity Integrated Services, Quakertown, PA	<u>\$26,950.00</u>	Option A
	<u>\$29,450.00</u>	Option B
One Communications, Burlington, MA (This is not an appropriate bid.)	<u>\$20,950.00</u>	per month reoccurring

Mayor Eisaman, "Solicitor, do we need a motion to reject the bids at this time?"

Solicitor McCormick, "I think the appropriate thing would be to fashion it in the form of due to Sue's explanation that if a motion would come forward that all of the bids be rejected and it be looked at in the future. Then that would be the motion on the floor to be voted on by Council, aye or nay. It could be fashioned in that way if the motion would be to reject all of the bids."

Councilman DePasquale **MOVED** to reject all of the bids and look at this in the future, and Councilman Peterinelli **SECONDED**.

Councilman DePasquale, "To be clear, a 'yes' is to approve the motion to reject."

No further discussion. Roll call vote was taken.

All voted unanimously to reject all the bids as presented.

*****COMMENTS/BUSINESS FROM THE FLOOR*****

Judith Koveleskie, 50 McLaughlin Drive, Greensburg, PA. Ms. Koveleskie, "I'm basically here just to support you in something that you're doing; to commend you for the Ordinance that's on the agenda tonight eliminating outdoor furniture from porches and things like that." Mayor Eisaman, "I don't think we're eliminating outdoor furniture; we're eliminating indoor furniture from being outdoors."

Ms. Koveleskie, "I think it's good that you're taking this action before things got out of hand. I felt like I needed to support that because I know there have been some naysayers saying you're being too intrusive in our lives, but I drive by a house every day, in fact I drove by it tonight, and it's just after the 'Welcome to Greensburg' sign that's got outdoor furniture and a lot of other things that make it a very unsightly place."

Mayor Eisaman, "Once again, we're referring to indoor furniture being outdoors, not outdoor furniture."

Ms. Koveleskie, "I'm sorry. In a perfect world we wouldn't need laws like this. People would simply take care of their property and keep their upholstered furniture that's intended for indoors, indoors and dispose of things when they get new ones, but we don't live in a perfect world. I know I've lived in a City where there was no zoning of any kind or no regulations like this of any kind, and it was a very awful thing because you could buy a home in a really nice neighborhood and anything could move in next door to you. I think that people who have spoken against this have overlooked the fact that it's primarily a matter of public safety, because I believe it is falling under the Fire Code. Yes, it will make houses look better, but, more important, it will eliminate something that's often a target for arson. I know in some other cities it's often been a cause for celebrating athletic victories. I don't understand that but people pull these things off of porches."

Mayor Eisaman, "We don't need to bring West Virginia University and Morgantown into this; I have a little personal attachment to that."

Ms. Koveleskie, "You know Bob and I have often been here complaining and we're very concerned about our City and the safety and so we felt like we really wanted to support you in this measure and say it's a good thing that you're doing."

Mayor Eisaman, "Thank you, Judith."

*****APPROVAL OF LAST MONTH'S COUNCIL MINUTES***** Councilman Peterinelli **MOVED** to approve the minutes of last month's Council meeting, and Councilman DePasquale **SECONDED**. No discussion. **Unanimously all voted in favor.**

*****APPROVAL OF MONTHLY BILL LIST***** Councilman DePasquale **MOVED** to approve the monthly bill list and pay the bills as the money becomes available, and Councilman Peterinelli **SECONDED**. No discussion. **Unanimously all voted in favor.**

*****REPORTS OF COUNCIL*****

Councilwoman McCormick, reported by Councilman DePasquale, "The Recreation Office has started taking registrations for the Fall Football and Cheerleading Program. This is for boys and girls ages 8-12 years old. The program starts August 9, 2010 and continues until the end of October. Travel Soccer registration will begin on July 15, 2010 and run until July 26, 2010. Our teams need to be declared with the Pennsylvania West Soccer Association by August 1, 2010. In-house Soccer Tot registration will begin on August 2, 2010. We are also taking registrations for Session III of the Swimming Lessons which run from July 19-30, 2010. And we are looking

for more children to register for the Lynch Field Soccer Camp. It will be held July 19-23, 2010. It is for ages 6-12 years old and is for all skill levels. The time of the program is 6:00-8:30 p.m. We are offering a Coed Basketball Camp for ages 7-11 years old. This program will be held at the Hutchinson Elementary School starting July 19, 2010 until July 22, 2010. The 7- and 8-year-old group will be from 9:00-10:30 a.m., and the 9-11 age group will be from 10:30 a.m. to noon. On Saturday, July 17, 2010 the 15th annual Ice Cream Blast will be held at the Kirk S. Nevin Arena from noon until 4:00 p.m. This event is sponsored by ParentWise, the Recreation Department and the Lynch Field Dairy Queen. Admission fee is \$3 and there will be a variety of entertainment and activities for the entire family. We hope to see you there and this completes the Recreation report.”

Councilman Tridico-No Report.

Councilman Peterinelli, “I don’t have anything but we got a letter about picking up trash and leaves in Northmont. They were very happy with the Street Department crews doing that. I’ve been around today and there are still quite a few places that still had some stuff coming from last winter.”

Mayor Eisaman, “There was a gentleman over on Oakland that also complimented the Street Department on picking up limbs and leaves two weeks ago.”

Ms. Trout, “In my office I get numerous comments and accolades about that service that we provide. The residents seem to really appreciate it.”

Councilman Peterinelli, “The only other thing we’re waiting for is to get the bids in to mill the streets.”

Ms. Trout, “We already approved that. We’re waiting for A. Folino to contact us to go ahead with the milling of the streets.”

Councilman Peterinelli, “The Electric Department installed electric and communication cables in the Police communications room, installed electrical and communication cables for the new gate at the Hutchinson Garage, and they also replaced a gas line at No. 2 Fire Station. From the Parking Garage (see attached report). And I think it was three weeks ago Sue Trout, Bob Charley and I were up there. It was around quitting time and all the people were leaving and Sue was very kind to these people. She told them everything they had to know. A lot of them had their cards they just had to pass in front or when they came up to the window they had the ticket and she showed them how to put it in, wait to see what it cost and put the money in the slot and get your change afterward. I was up there for about a ½ hour to 45 minutes and it was very interesting seeing how that’s done. That will save a lot of time, Mayor. Coming up tonight, John Felice for a sign, The Chocolate Shoppe for a sign, The 2 of Us Massage for a sign, Sandra Lynn’s Dance Studio, Congregation Emanu-El Israel, Pennsylvania Combat Sports and The Side Bar are all up for approval tonight. That’s it, Mayor.”

Councilman DePasquale, “At this point revenues are at 55% of budget after adjusting for the inter-fund transfer. This is 4% lower than revenues at June 2009 so obviously we’re watching that very closely. Expenses are at 46% of budget after adjusting for the inter-fund transfer. This is the same as where we were last year. That concludes my report.”

*****MAYOR’S REPORT*****

Code, Fire and Police Reports. Mayor Eisaman reviewed the Code, Fire and Police Reports. Copies of these reports may be obtained at the respective offices or the City Administration Office.

The new ZEAG automated parking equipment is completely installed and functional at both the Robert A. Bell and J. Edward Hutchinson Parking Garages. The Bell Parking Garage features a walk up pay station. The Hutchinson Garage features pay-in-lane machines. The installation of new parking equipment was necessary. Our old equipment was obsolete and finding replacement parts was becoming costly.

All of the new equipment accepts Visa, MasterCard and Discover debit or credit cards for our patron's convenience. The new equipment accepts nickels, dimes, quarters, and coin dollars. In addition, the machines will accept \$1's, \$5's, 10's and 20's. Change due will only come in the form of cash. The machines will not dispense coins for change due. There has been no fee increase.

With automated equipment, everyone assumes that there will be job losses. This is not the case. We had two employees who chose retirement; others had their job description change. We will continue to have faces in the Garages for customer relations, which include educating patrons on the use of the machine, location of the machines and to perform troubleshooting tasks as necessary.

The City of Greensburg is excited about this move into automation. We will now have a better accountability of funds for audit standards and our taxpayers. We are also now better equipped to meet the needs of our patrons.

Mayor Eisaman, "I would like to thank all members of Council and Councilman DePasquale for running the Council meetings in the month of June when I was unable to be here. I appreciate everyone working together getting it all done."

*****ADOPTION OF BILLS AS ORDINANCES*****

Bill No. 3 as Ordinance No. 1993 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING CHAPTER 253, ENTITLED 'VEHICLES, REMOVAL AND STORAGE OF' OF ORDINANCE NO. 1646, CITY CODE, CHANGING THE TITLE TO 'NUISANCES' AND ADDING OUTDOOR FURNITURE RESTRICTION(S) TO THE CURRENT SUBJECT OF THE REMOVAL AND STORAGE OF VEHICLES DEEMED NUISANCE PROPERTY. Ms. Trout, "Enactment of this proposed Ordinance bans upholstered furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to neighbors and passersby in the public right-of-way with exceptions for the moving, removal as part of a trash or recycling program, or the temporary placement for sale at a yard or garage sale of said furniture." Councilwoman McCormick **MOVED** to adopt Bill No. 3 as Ordinance No. 1993, and Councilman DePasquale **SECONDED**.

Councilman Peterinelli, "The only discussion I have is about the junk cars around. As far as porch furniture, I've been around this City all my life and very seldom do I see indoor furniture outdoors."

Councilwoman McCormick, "I stated in a Letter to the Editor in the Tribune Review my position. And it is about most importantly for the safety and health of the residents. Ann Arbor, Michigan made the mistake of tabling an ordinance like this and then a student died in a fire because they were trapped by interior furniture, a couch, on an exterior porch. I also stated to you in an e-mail about my niece that died tragically in a fire two years ago at the age of 26. And she was in a building that had not been brought up to Code. I would never want to see anything as tragic as losing a family member happen to anyone, and, if this would prevent even one incident, I feel that it's worth it."

Mayor Eisaman, "I'd just like to make the point that we're talking about the removal of indoor furniture on porches; not changing any Fire Codes to any rental units."

Councilwoman McCormick, "Originally this was to be added to the Fire Code and then Sue decided that it fit in better here. It is a fire hazard and a health hazard."

Mayor Eisaman, "It's a public safety issue, I will agree with you on that. I just want to clarify that we are not changing any Codes."

Councilwoman McCormick, "No, but originally it was to be with the Fire Code and then Sue and Les decided it fit better here."

Mayor Eisaman, "I'm just trying to clarify the current Code as presented in the Ordinance."

Councilwoman McCormick, "Yes."

No further discussion. Roll call vote was taken. **All voted unanimously to adopt.**

Bill No. 4 as Ordinance No. 1994 – AN ORDINANCE OF THE CITY OF GREENSBURG ADDING A NEW CHAPTER ENTITLED 'CABLE FRANCHISE' TO ORDINANCE NO.1646, THE CODE OF THE CITY OF GREENSBURG AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE CITY AND COMCAST OF PENNSYLVANIA. Ms. Trout, "At our last meeting we did approve the Comcast agreement. This Ordinance is a reflection of the new agreement that's in place. As you stated earlier, Mayor, it was introduced at the last meeting and is up for adoption at this meeting to reflect the new agreement and the terms that were already negotiated."

Councilman Peterinelli **MOVED** to adopt Bill No. 4 as Ordinance No. 1994, and Councilman DePasquale **SECONDED**. No discussion. Roll call vote was taken. **All voted unanimously to adopt Bill No. 4 as Ordinance No. 1994.**

Bill No. 5 as Ordinance No. 1995 – AN ORDINANCE OF THE CITY OF GREENSBURG DELETING CHAPTER A-270, ENTITLED, ‘CABLE TELEVISION FRANCHISE’ WHICH IS OBSOLETE. Ms. Trout, “This was also introduced last month. It simply is obsolete. It doesn’t reflect either the previous or current agreement; it’s just outdated and needs removed.” Councilman DePasquale **MOVED** to adopt Bill No. 5 as Ordinance No. 1995, and Councilman Peterinelli **SECONDED**. No discussion. Roll call vote was taken. **All voted unanimously to adopt Bill No. 5 as Ordinance No. 1995.**

*****ENACTMENT OF RESOLUTION*****

Resolution No. 1151 – A RESOLUTION OF THE CITY OF GREENSBURG GRANTING AN INTER-MUNICIPAL LIQUOR LICENSE TRANSFER OF PENNSYLVANIA LIQUOR LICENSE R-12292 FROM LOWER BURRELL, PA, THAT IS CURRENTLY IN SAFEKEEPING WITH THE PENNSYLVANIA LIQUOR CONTROL BOARD (PLCB), TO THE CITY OF GREENSBURG FOR USE AT PREMISES DESIGNATED AT 408 EAST PITTSBURGH STREET. Ms. Trout, “A public hearing was held at 5:00 p.m. on July 6, 2010. The request is for the Pizza Siena Corporation for use at their business located in the Greensburg Shopping Center. I believe as part of this they’re moving from their current location into a new location within the Shopping Center as he testified at the hearing.”

Mayor Eisaman, “Councilman Peterinelli and myself were here for the meeting. I believe the minutes were sent out Friday to all Council members so everyone did have a chance to review the minutes from the meeting.”

Councilwoman McCormick, “They’re turning it into a full restaurant, is that correct?”

Mayor Eisaman, “That is correct from the testimony. It will be similar to their location in Latrobe which is a sit-down restaurant also they stated. Does that answer your question?”

Councilwoman McCormick, “Yes.”

Solicitor McCormick, “Councilwoman, in approving it you must know that the license is theirs to use according to the mandates and regulation of the PLCB. So if you would find for instance that they don’t have the full expanded restaurant facility, say 60 seats as opposed to 130 seats or whatever they described, that wouldn’t be a violation of the approval. You really can’t mandate exactly what they put in there. I don’t think there’s any question that’s what they intend to put in there, but I wanted you to know that before you voted, okay?”

Councilwoman McCormick, “Okay, and it’s great to have you back, Tim.”

Solicitor McCormick, “Thank you, and it’s great to be back.”

Mayor Eisaman, “Before I ask for a motion if there is going to be a motion to approve, I would like to ask in the past we’ve done a timeframe that within a certain period of time they have to apply for the liquor license transfer; I can’t remember whether it’s 120 days.....”

Solicitor McCormick, “No, we’ve done shorter than that.”

Ms. Trout, “I think we’ve done 60.”

Solicitor McCormick, “We’ve done 40, 45, 60, so.....”

Councilman DePasquale, “Seems like we’ve had several of these in the last six months.”

Solicitor McCormick, “I would just think 60 or 90 days. This is an ongoing business, too. I think you want to keep that in mind so maybe 90 days is an appropriate time to allow them.

They may have some things with the transfer of the leases or whatever they’re doing in the other

thing, so I would suggest that 90 days is an appropriate time. We don't want it open ended; we've dealt with that in the past."

Mayor Eisaman, "Once again the timeframe is just representing they have to make application to the PLCB; not necessarily be approved in 90 days."

Solicitor McCormick, "Right."

Councilman DePasquale **MOVED** to enact Resolution No. 1151 subject to the expectation the application will be filed within 90 days as described by Solicitor McCormick, and Councilman Peterinelli **SECONDED**. No further discussion. Roll call vote was taken. **All voted unanimously to enact Resolution No. 1151.**

*****COUNCIL APPROVAL*****

- a. Amendment to Contract No. C000020680 between the City of Greensburg and the PA Department of Community and Economic Development (DCED).** Ms. Trout, "Retroactive to the deadline date of June 21, 2010, Council approval amends the termination date of the contract to December 31, 2010. The DCED's acceptance of the extension will allow the Greensburg Community Development Corporation to be able to distribute a remainder of \$15,000 in Façade Improvement Program funds to three (3) property owners who have made application for the grant funding and are in the process of trying to finalize their plans for their projects."
Councilman DePasquale, "And that's the end of that?"
Ms. Trout, "And then that would be the end of that."
Mayor Eisaman, "For the current year or is there additional funding?"
Ms. Trout, "I think we're in the 'wait' mode to find that out."
Councilman DePasquale **MOVED** to approve the amendment to the contract, and Councilman Peterinelli **SECONDED**. No further discussion. **All voted unanimously to approve the amendment to the contract.**
- b. Hiring of Seasonal Recreation Department Employees.** Ms. Trout, "This in on here because this is a correction to last month's hiring of Alyssa Mellinger. I originally had on the agenda to hire her as a Lifeguard at a rate of \$7.50 per hour; she should have been hired as Pool Maintenance/Cashier at a rate of \$7.25 per hour. I apologize for the error."
Councilman DePasquale, "I assume the quarter is not a big deal but if we want to make them consistent with all the other"
Ms. Trout, "That's correct."
Councilwoman McCormick **MOVED** to approve the hiring, and Councilman DePasquale **SECONDED**. No further discussion. **All voted unanimously to approve.**
- c. Issuance of Certificates of Appropriateness for the Slate of Projects Recommended for Approval by the Historic and Architectural Review Board (HARB).** Ms. Trout, "Council approval is for issuance of certificates for two projects in the Gateway District, a new sign at 222 North Main Street for Congregation Emanu-El Israel and a new sign at 114 East Otterman Street owned by Casey Leonard for *Pennsylvania Combat Sports*; also two new signs for properties in the Downtown District, one at 118 North Pennsylvania Avenue owned by John Rullo for *The Chocolate Shoppe* requested by Jim and Melissa O'Brien and one at 10 North Maple Avenue for *Sandra Lynn's School of Dance* requested by the owner, Sandra Donatelli; an amendment of the original plan for the *Cope Building* at 22 West Pittsburgh Street for John Felice and a new sign at 7 West Otterman Street owned by the Westmoreland Cultural Trust for *The Side Bar* requested by Pete Colosimo and Lisa Hedgedus located in

the Historic, Downtown and Gateway Districts; and a new sign at 22 West Second Street owned by F&A Homes, LLC, requested by Rodney Hoskins for *The 2 of Us Massage* located in the Historic and Downtown Districts. That is your current slate from the HARB.”

Councilman Peterinelli **MOVED** to approve the issuance of the Certificates of Appropriateness, and Councilman DePasquale **SECONDED**. No discussion. **Mayor Eisaman abstained, and all others voted unanimously to approve.**

d. Site Plan/Land Development for Emmarcin, LLC for Property at 449 College Avenue for a Proposed Parking Lot.

Ms. Trout, “This item is recommended unanimously for Council approval by the Planning Commission contingent upon receipt of a review letter by the Westmoreland Conservation District and a compliance letter from the Greater Greensburg Sewage Authority (GGSA) related to their comments. I do believe both of these documents have been received.”

Councilman Peterinelli, “And this is the old Wilps apartments?”

Ms. Trout, “Yes, this is something Barb and Les have really been working hard on.”

Councilman DePasquale, “On Monday I took my normal daily walk and saw all the places that are getting signs and walked over to see this. I think that’s going to be a nice improvement when that’s done.”

Ms. Trout, “I think it’s a needed improvement.”

Councilman Peterinelli **MOVED** to approve the site plan/land development, and Councilman DePasquale **SECONDED**. No further discussion. **All voted unanimously to approve.**

e. Site Plan/Land Development for John Felice for Property at 22 West Pittsburgh Street for a Proposed Parking Lot.

Ms. Trout, “This item is unanimously recommended for Council approval by the Planning Commission in conjunction with the HARB recommendation for issuance of a Certificate of Appropriateness. This project has also been worked on hard by Barb and Les and I think we were all glad to see this on the agenda and hoping you approve it.”

Councilman DePasquale **MOVED** to approve the site plan/land development, and Councilwoman McCormick **SECONDED**. No discussion. **Mayor Eisaman abstained, and all others voted unanimously to approve the site plan/land development.**

f. Zoning Hearing Board Resignation. Ms. Trout, “Council approval accepts the resignation of Marilyn Crimboli from the Board effective July 1, 2010. Marilyn and her family have moved out of the City, so we sadly accept that.”

Councilman Peterinelli **MOVED** to approve the resignation, and Councilman DePasquale **SECONDED**. No discussion. **All voted unanimously to approve the resignation.**

Mayor Eisaman, “I would appreciate it if we could send a letter out to Marilyn thanking her for volunteering her time.”

Ms. Trout, “Absolutely.”

g. Reappointment to the Civil Service Commission. Ms. Trout, “Council approval reappoints Dr. Ronald E. Silvis to the Commission until July 9, 2013. He did express an interest in serving once again and he’s been a longtime member.”

Mayor Eisaman, “If I recall correctly, Wally, he does a pretty good job of organizing the Commission and staying on top of all the legal aspects of it.”

Councilman DePasquale **MOVED** to approve the reappointment, and Councilman Peterinelli **SECONDED**. No further discussion. **All voted unanimously to approve.**