

**CITY COUNCIL MEETING
MINUTES
Monday, November 9, 2009
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: Councilman Peterinelli, Councilman Tridico, Councilman Finrock and Mayor Eisaman. City Solicitor, Timothy McCormick and City Treasurer/Fiscal Director, Mary Perez were also present. Councilman DePasquale was absent.

*****PLEDGE OF ALLEGIANCE*****Councilman Peterinelli

*****PRESENTATION AND PROCLAMATION - 2009 Humanitarian Award*****

At this time Mayor Eisaman read a proclamation in honor of Lou Battistella. See attached. The 2009 Leo Bacha Humanitarian Award was presented to Lou. Mayor Eisaman and Fire Chief Hutchinson also acknowledged the Bacha, Eidemiller and Battistella families and their many contributions to the Greensburg Volunteer Fire Department.

*****BIDS- 2010 Solid Waste and Recycling Services Agreement*****

Ms. Trout, "The invitation to bidders was advertised and bids were accepted and read on Friday, November 6th at 10:15 a.m. We received proposals from two interested bidders, Waste Management, our current hauler and Greenridge Waste Services, LLC d/b/a Allied Waste Services of Scottsdale. We calculated the bids with a point system giving the most points to the bidder submitting the lowest customer rate in residential and commercial categories. The bid proposals we received were extremely close; from a possible 16.5 points, Waste Management's score was 13.6 compared to the other bidder's score of 13.3 points. A few highlights of the four-year contract include a decrease in the residential rate for the first two years of the contract from \$43.56 a quarter to \$42.12; the contract also includes a fuel escalation clause; and a change in the billing procedure for all rental properties to lower the incidence of delinquent accounts by making landlords the responsible party for the payment of the bills rather than tenants. We've also added the recycling requirement to commercial accounts that include four or more residential units to enhance our recycling efforts. The hauler will ensure these accounts are furnished with adequate recycling containers to meet the needs of tenants and the hauler will contact the owners of these properties to work out the most reasonable rate to accommodate the recycling service. With all this information my recommendation to Mayor and Council is to go with Waste Management as submitted."

Mayor Eisaman, "I believe quarterly it is about \$1.50 less for the residential."

Councilman Finrock **MOVED** to approve the bid from Waste Management as presented, and Councilman Tridico **SECONDED**. No further discussion. **All voted unanimously to approve the bid from Waste Management.**

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

Steven Gifford, Executive Director of the Greensburg Community Development Corporation (GCDC), 41 West Otterman Street, Greensburg, PA 15601. Mr. Gifford, "I'm here tonight to give you a brief summary of 2009; the success of the Main Street Program. In front of you is a document that outlines many of our accomplishments. The first thing is the West Otterman Street site. We have 13 potential, interested firms that are looking forward to receiving the Feasibility Study for the downtown hotel at that location. We continue to get our word out and bring people in to tour the site. We're having success there. The website mygreensburgapartment.com was launched on April 13, 2009. We have 935 registered users and 123 properties that are listed. It's been a great way of getting people to find apartments within the City and also the greater Greensburg area. That ties in with the number of beds that have been added in downtown Greensburg; 77 for graduate and under-graduate, and what I mean by that is, for example, the Lofts on Second Street, each apartment has four bedrooms and there are six apartments in there. Whenever an investor is looking at an apartment, they're looking at the number of beds, and we've been able to add 77 to the Downtown Main Street District. The Façade Grant Program is going a lot slower than previous years just because of the nature of the economy, but we have been able to award \$7,035 in grant funding, which was matched in the private sector

by \$15,000. We're confident that by June of next year we'll have all the grant funding awarded to projects in the Downtown District, which means more investment occurring in our community. We have been working with 24 investors trying to identify commercial property within the City of Greensburg that's suitable for their project. We've also been working with 10 entrepreneurs; trying to find a space for them to lease, whether it's office, retail or just open space. I'm proud to say that we've had 30 businesses or organizations move into downtown Greensburg since January 1st, and we've also had five commercial properties that have changed owners, which is important because a lot of the property that's on the market for sale is under-utilized and in poor condition. The investors are looking to come in and buy the property, fix it up and make it viable, which is important for us and our community. The last thing I want to note is 'Think Greensburg' is the campaign that was adopted a couple of weeks ago by the Board of Directors, and we're going to be using that over the next three to five years to promote downtown Greensburg and the City itself. The first audience is developers and investors to have them come in and buy property, build and renovate buildings. The second audience is entrepreneurs and business owners; having them lease space and locate a business in our community, and the last is individuals and families to have them actually live in our community, whether it's downtown or in our neighborhoods. We believe that we have a lot of positive aspects which we're able to promote to people and have them make an investment and make a decision to move into our community. Any questions or comments?"

Councilman Peterinelli, "You're doing a good job, Steve."

Mr. Gifford, "Thank you, and I appreciate your support."

Mayor Eisaman, "We appreciate all your efforts with the façades and trying to keep the buildings advertised and moving around. I know I had mentioned to Barb one building that was for sale and your intern did a little promo on it."

Mr. Gifford, "We're finding that it's becoming a lot easier to get people to make the decision to invest in our community as the word gets out. The strength of our Cultural District is a positive and the strength of our Shopping District is a positive. Of course, the investment of Seton Hill in downtown is a significant part of that as well. So it definitely makes our job easier. I want to thank you for supporting us and I look forward to another productive year. This same document will be submitted to Harrisburg as part of our Progress Report which is the contract that you have with the Department of Community and Economic Development (DCED) and we're the Contract Administrator."

Mayor Eisaman, "Please thank, in addition to yourself your Board, too. I know you have a lot of volunteers on the Board that contribute many hours and I appreciate all of that."

Mr. Gifford, "Yes, I will."

Mayor Eisaman, "Thank you, Steve."

Dean Papapetrou, 31 East Otterman Street, Apartment #7, Greensburg, PA 15601.

Mr. Papapetrou, "My first question is I'm trying to get a gentleman's stone restored at St. Clair Park. He served in the Civil War. His descendants have a stone; the Young's. He was a judge in Greensburg. His family has his portraits at the Historic Society on West Otterman, but his stone, Samuel's, is broken. The Veterans' Administration (VA) will pay for it to replace it. I just need your permission or the City's permission because you own the park. It's a private park. I've been doing all the research. I have all the forms, but whoever has the authority needs to sign off on them. Who would that person be?"

Mayor Eisaman, "Could we have our Solicitor look at it?"

Mr. Papapetrou, "Sure."

Mayor Eisaman, "Is it 100% paid for by the VA?"

Mr. Papapetrou, "Yes, sir. I even have my union brothers willing to come up, well, I've been medically retired for the last 10 years, but I have everything right here."

Mayor Eisaman, "Okay. Does that include the application?"

Mr. Papapetrou, "Yes, sir, but I didn't pursue it any further until I could get your permission."

Mayor Eisaman, "Correct. The Solicitor will review that. If it's something we can accomplish tonight, we will try to do that."

Mr. Papapetrou, "My second issue is St. Clair Park. I was walking my dog one morning. A young lady did not have her dog on a leash. The dog attacked my dog. It's happened before. A pit bull grabbed my dog and really ripped him up. It cost me over \$1,500 to have him repaired. I had to take the gentleman to court. It took over a year to get paid back. All I wanted was the vet bills paid. This dog was not on a leash. I put my dog between the port-o-john and myself. The dog came down and went after my dog. To make a long story short I talked to Mr. Hoffman. He told me to get photographic proof of this dog running in the park which I did. I talked to the girls downstairs the day it

happened. They told me there's nothing they could do. I had to talk to Mr. Hoffman. I got the pictures of the dog running at large, brought them up, talked to the ladies again, and they had me talk to an officer. He said to call the next time you see her and we'll go up and give her a warning. He looked at the pictures; I have them right here. I also have the Pennsylvania dog laws that a dog has to be under the control of the owner at all times on a leash. Now I feel going up and giving her a warning is not sufficient; she should be cited." Mayor Eisaman, "I don't know the law well enough or our City Ordinance in the park." Solicitor McCormick, "He'd be responsible for that. If there's a citation in order after he investigates it, Mr. Hoffman has the authority to file citations. Correct, George?" Mr. Papapetrou, "I have the pictures right here of the dog running at large and the officer looked at them."

Mayor Eisaman, "Who was the officer; do you recall?"

Mr. Papapetrou, "No, I don't. It was August 22nd, Saturday morning."

Mayor Eisaman, "Would you mind giving the pictures to the Captain?"

Solicitor McCormick, "Probably the best thing is Mr. Hoffman would have to contact....."

Mr. Papapetrou, "I'll show them to the Captain. I also have pictures of what resulted from the first attack. It didn't happen in the park; it happened somewhere else. Mr. Hoffman handled the case and they're very, very graphic. I'm sort of gun-shy with dogs running at large. My dog is old and he's gentle as heck. I can't remember the canine officer's name; I can only remember the dog's name, Dax. I've talked to him before and I warned him about the dog 'doody'; that people do not pick up after their animals. Some people do, some people do not. You have a sign right there on Maple; City Ordinance, 'clean up after your dog'. A majority of the people do not. I don't want to keep bugging the Police Department all the time, because from my apartment I see the whole park. When I am there and I see it; it's like the guys have better things to do than chase these people down and by the time they get there, they're gone. And there's some people I don't think they're residents of Greensburg. They come up, pull in by the old schoolhouse; let their dogs run at large with no leash and jump back in their car and take off. It's State law. It says right there what the Captain is looking at. The dog has to be under control. I don't think he'd want to look at these. This is from the first time my dog was attacked and he did not provoke the other animal, because my dog is 15 years old. He's gentle as heck. There are other people that have met him in the park. The canine officer has met my dog. He told me his Dax is not real good with other animals, so I kept my distance and I asked him is it alright? He said it is okay for you to walk up here at night with your dog. I told him where the people that are doing illegal things like to hide out. So he's doing a great job; him and Dax are doing a super, super job. Some of the officers I feel are negligent because when they do show up they give a little warning and they're off on their way. There are skateboarders up there. I call the Police Department and they say there is an officer on the way. They tried to run me down with their car when they were leaving. There was a lady that works for the attorney right there on Maple by the park and she even tried to help me. I just backed out of the way because I'm not getting hit by a car because I've already been hit by two trucks. I'm not getting hit by a car."

Mayor Eisaman, "Who was the officer, do you recall?"

Mr. Papapetrou, "No, I don't. I didn't get any information because I don't want to start any fireworks. Because if I do I guess my Greek temper will get fired up and I don't want to go there. I want to be nice and calm and do this the legal way. If you want to look at these, Captain, from the first time my dog was attacked you can see why I'm gun-shy about these dogs. The other day I came back from the doctor's office. I parked my car in the parking lot. There's a gentleman with a pit bull not on a lead. I told him that dog needs to be put on a lead. He said he has it right here. I said the dog needs to be put on a lead and he did put it on a lead, but these people who are not obeying the law are coming from the Academy Hill area up on Maple Avenue. I watch them and this dog that I just showed the Captain running at large, she keeps going up there and I take that shortcut. I saw her one time, didn't say a word to her, just seeing where she was living. I was going up to the drugstore to get my medicine. They're coming from up in that area. I feel that the dog law should be enforced to the letter; not a warning, to the letter. I'm abiding by it and the majority of the people that walk their dogs abide by it. But there are certain people that have no respect for the law and they feel they can do what they want, which I feel is not right."

Mayor Eisaman, "I will ask the Captain to meet with the Chief on that issue and discuss that with the officers. If there is a violation they can take care of it."

Mr. Papapetrou, "The canine officer is aware of people not cleaning up after their dogs. I warned him to be careful walking through the grass up in that area, because people walk

along that fence line and they will not police up after their dog. I have leg and spine problems and walk with this Canadian crutch. I can still bend down and pick up and police up after my dog, why can't a healthy person do it? I feel that's not right. That is not right because there are children that come up from the YMCA and they play in the park and they step in this stuff. I know people going to the concerts step in it. You don't want to do that in a public park especially when there's a City Ordinance. Those are my two major things right now, trying to get Samuel Young's stone restored....."

Solicitor McCormick, "You're saying there is a grave marker there but it needs replaced?"

Mr. Papapetrou, "Yes, sir."

Solicitor McCormick, "He has an application and verification of the service of this gentleman. I'm going to hand this off to Sue, and next week Sue and I will contact John Panichella, the local veterans' representative. Probably what we have to do, and it does look like you're correct, if you served before 1980, I think is what the application says, you can be eligible. This is talking about original grave stones, but I don't know what the difference a replacement would be. The application would have to come through us."

Mr. Papapetrou, "Because you are the owners of what they consider the old St. Clair Cemetery."

Solicitor McCormick, "We'll be back in touch with you."

Mayor Eisaman, "I think the big stone is still there."

Mr. Papapetrou, "That's his descendant."

Solicitor McCormick, "We'll check it out."

Mr. Papapetrou, "I clean it off every morning. Like I was telling the Councilman here, Wednesday is Veterans' Day and normally I go up and put flags up on all the veterans' graves; Nathaniel Greene's, General St. Clair's, Captain Gray's, and they get destroyed."

Solicitor McCormick, "Check with us the week following Thanksgiving and we'll hopefully have a report for you at that time."

Mr. Papapetrou, "Hopefully I'm not in the 'pokey'; I call the hospital the 'pokey'. Once you get in there, it's hard to get out."

Solicitor McCormick, "It looks like you're on the right path."

Mr. Papapetrou, "I've been checking with the Historic Society and doing research on my own and I'm at a 'stopping' stone right now because I cannot locate his birth and death dates. Even the Historic Society has hit a blocked wall."

Solicitor McCormick, "Well, Mr. Panichella might be able to help us with that. The veterans' organization may have records."

Mr. Papapetrou, "I asked him about four months ago when I got that application. I walk by it every day and he deserves more respect than having his stone broken and just laying there and people walking over it. I know when I put the flags on Wednesday I give them until Saturday before they're stolen or broken. I got them from the Courthouse at the Veterans' Affairs. I was going to get bronze markers, but they'll steal them. There's no sense in putting them up. My parents are buried in the National Cemetery and I'm going to be buried there, and it's just veterans deserve more respect. I'm not saying you folks broke this. I know when they moved them, they moved a lot of the stones but they did not move the sites. But his stone and his descendant's stone are still there. Their family had a lot to do with Greensburg in its founding days. That's all I have to say."

Mayor Eisaman, "I appreciate your comments. Thank you, Dean, and we'll look into both of those items for you."

Mr. Papapetrou, "I appreciate it. My major thing is getting Samuel Young's stone restored. That's my major issue. You folks have a good night."

Mayor Eisaman, "It sounds like you researched the cost, and it will be limited for us."

Mr. Papapetrou, "It's not going to cost you a dime."

Mayor Eisaman, "That would be limited, yes, I agree."

Mr. Papapetrou, "My union brothers will place it. They're all stonemasons and I still have my card. I'm medically retired, but they're going to donate their time and come up and put it in."

Mayor Eisaman, "Sounds like a good plan. Hopefully, we can get this researched and get it accomplished in the very near future for you."

Mr. Papapetrou, "I appreciate it, because the 140th anniversary is coming up soon. I'd like to try to get it put back up. Thank you. You folks have a good night."

Mayor Eisaman, "You, too."

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

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

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

Councilman DePasquale, reported by Councilman Peterinelli, “Since the holiday season is right around the corner the Recreation Department would like to remind everyone that we offer public session passes and ISI group lesson and Freestyle passes for sale. You can save \$20 when you purchase these passes. It makes a good gift. Also, we are taking registrations for the third session of ISI Tot Learn-to-Skate and Learn-to-Play Hockey. Both programs will start the new season in early December. That’s the end of the Recreation report.”

Councilman Peterinelli, “I guess everyone knows there are a lot of leaves out there. Our Street Department has four leaf vacuum trucks out and as soon as they’re done with that they’ll get ready for the winter. The City mechanics took all the snow removal equipment from storage. They mounted salt spreaders on three smaller dump trucks. The remainder of the dump trucks will have spreaders mounted after the leaf collection has been completed. The Army Corps of Engineers were in town last week. They conducted a spot check on the Jack’s Run flood project. There are three areas of concern regarding the maintenance. This includes painting the chain link fence; repairing areas where the cement walls are failing; and implement vegetation growth. The written report will be forthcoming. That’s it.”

Mayor Eisaman, “What areas are those concerns in; just along Jack’s Run, both old and new?”

Mr. Hoyle, “In the area bound between the old ice plant, IceQube, Inc. and the Mt. Pleasant Street bridge.”

Councilman Peterinelli, “Hopefully we won’t have to use the snow plows too much.”

Mayor Eisaman, “I’d like to believe that would be a good thing, but I don’t know.”

Councilman Tridico, “The PennDOT Hometown Streets Project is almost complete. Allegheny Power is pulling in wire through the new conduit, and the concrete, decorative crosswalks will be added to the streets next week or so. This project is slated for completion on or before December 8, 2009. That concludes my report.”

Councilman Finfrock, “Once again we have another mixed bag in the budget report. Revenues are at 86% of budget. This is 2% lower than revenues were in October, 2008. It’s totally offset by the fact that on the expense side we are at 79% of budget. That’s also 2% lower than last year. So we should end the year in balance. I do have one statement regarding the budget for 2010. The introduction of the 2010 Budget will take place at a special meeting of Council on December 8, 2009 at 5:15 p.m. We will take action to adopt the Budget at a special meeting of Council on Tuesday, December 29, 2009 at 4:00 p.m.”

Mayor Eisaman, “The December 8th meeting is actually part of the agenda meeting.”

*****MAYOR’S REPORT*****

- a. **Introduction of Councilwoman-elect.** Mayor Eisaman welcomed and introduced Councilwoman-elect Kathleen McCormick and her husband, Mike.
- b. **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.
- c. **Downtown Greensburg’s Open House.** Mayor Eisaman, “The Greensburg Business Association welcomes you to the 41st Annual Christmas Open House on Sunday, November 15th from noon until 5:00 p.m. You can enjoy horse-drawn carriage rides, Christmas cookie samplings and a Christmas Art Exhibit in the window of Mantell’s Tailoring.”
- d. **Holiday Parade.** Mayor Eisaman, “The 18th Annual Holiday Parade will be held on Saturday, November 21st beginning at noon. We hope everyone will come out and help us to celebrate the season at the parade this year, featuring spectacular floats and spirited high school bands and dance teams. Dr. JoAnne Boyle, the

President of Seton Hill University, has most graciously agreed to serve as our Grand Marshal, and of course, we are expecting the traditional appearance by Mr. and Mrs. Claus.”

*****INTRODUCTION OF BILLS*****

Bill No. 11 – AN ORDINANCE AMENDING CHAPTER 249 OF ORDINANCE NO. 1647, ENTITLED ‘VEHICLES AND TRAFFIC’ OF THE CODE OF THE CITY OF GREENSBURG. Ms. Trout, “The purpose of the introduction is to institute ‘no parking’ on the west side of Towne Square Drive. This is at the request of the developer in that area. There are some changes going on there and it’s been reviewed by Chief Lyons.” Mayor Eisaman, “Once again, this is a City street and it’s a requirement.” Ms. Trout, “Correct.”

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

- a. **Agreement between the City of Greensburg and Kane Enterprises II, Inc. also referred to as Greensburg Auto Spa.** Ms. Trout, “Council approval renews the one-year agreement effective January 1, 2010 for the unlimited washing and bi-annual detailing of the City’s fleet of 14 police vehicles for a total of \$4,900. This price reflects a \$140 increase over the 2009 price which was \$340 less than we paid for the same service in 2008.” Councilman Tridico **MOVED** to approve the agreement, and Councilman Peterinelli **SECONDED**. No discussion. **All voted unanimously to approve the agreement.**
- b. **Maintenance Agreement between the City of Greensburg and AMCOM Office Systems.** Ms. Trout, “Council approval is for one year effective December 10, 2009 for the copier located in the Conference Room at City Hall at .0195 cents per copy reflecting an annual increase of approximately \$30.68.” Councilman Finrock **MOVED** to approve the maintenance agreement, and Councilman Tridico **SECONDED**. No discussion. **All voted unanimously to approve the maintenance agreement.**
- c. **Issuance of Certificates of Appropriateness for the Slate of Projects Recommended for Approval by the Historic and Architectural Review Board (HARB).** Ms. Trout, “The HARB has recommended Council approve the following projects presented at their October meeting: located in the Downtown and Gateway Districts are new signs for *Computer Troubleshooters* at 114 South Main Street and new windows for Pete Ciccaglione at 104 East Otterman Street; in the Historic, Downtown and Gateway Districts are new signs for the *Greensburg Grille* at 21 North Main Street, a new sign for *Big Brothers/Big Sisters* at 106 North Main Street and a façade repair for Joe Coyle at 124 South Main Street; and in the Gateway District, a new sign for the *Salon Show Off* at 655 East Pittsburgh Street. That’s your current slate.” Councilman Peterinelli, “The group is doing a pretty good job on keeping track of these buildings getting these signs up.” Councilman Peterinelli **MOVED** to approve the issuance of the Certificates of Appropriateness, and Councilman Finrock **SECONDED**. No further discussion. **All voted unanimously to approve the issuance of the certificates.**
- d. **Mt. Odin ‘End of the Season’ Golf Course Special.** Ms. Trout, “Retroactive to November 1st, the special is \$22 per person for 18 holes of golf and a cart until December 31, 2009. The course shall remain open until then on a weather-permitting basis.” Councilman Peterinelli, “It’s working because a lot of people are going up there for \$22.” Councilman Finrock **MOVED** to approve the special, and Councilman Peterinelli **SECONDED**. No further discussion. **All voted unanimously to approve.**
- e. **One (1)-year Appointment of Agent, George A. Woodbury, from Republic ITS.** Ms. Trout, “Council approval of the agreement authorizes Mr. Woodbury to act on behalf of the City of Greensburg under the direction of the City Administrator with respect to researching, negotiating, acquiring information and

determining the value of street lighting or any other information relative to street lighting and the City's energy usage information from Allegheny Power during the period of November 9, 2009 through November 8, 2010 with a 30-day termination clause by either party. What we're trying to do is get an inventory from Allegheny Power on the electrical usage and the types of lighting we have throughout town. With that information what we'd like to do is talk with Allegheny Power to see if there are ways we can decrease our street lighting bill. The only way to do that is to first obtain that information by authorizing George Woodbury as our agent to start the process."

Mayor Eisaman, "Does this include traffic lights and street lights?"

Ms. Trout, "It's initially street lights but could include traffic lights. The first analysis is simply going to be street lights."

Mayor Eisaman, "As part of the analysis they put the information together and present it to us, and if they feel there are things we can do and we move forward, if there is a savings part of their payment is....."

Ms. Trout, "A projection of the savings, correct?"

Mayor Eisaman, "So there's no cost to this agreement?"

Ms. Trout, "Correct, and I should note that Republic ITS is a promoted vendor that's been endorsed by the Pennsylvania League of Cities and Municipalities."

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

- f. **Payment in Lieu of Taxes (PILOT) Agreement between the City of Greensburg and Redstone Presbyterian Seniorcare.** Ms. Trout, "Council approval accepts the terms of the seven (7)-year tax settlement PILOT agreement until December 31, 2014 for Greensburg Tax Parcel # 10-01-15-0-011-69-001. For calendar years 2008 through 2012 the following schedule is set forth based on the taxes owed to the City if the parcel were in a taxable classification: a sum of 50% of the real estate tax bill for calendar years 2008 through 2012; a sum of 30% of the real estate tax bill for the calendar year 2013; and 25% of the real estate tax bill for the calendar year 2014. The City of Greensburg is one of six (6) taxing authorities including the Township of North Huntingdon, Norwin School District, City of Murrys ville, Franklin Regional School District and the Hempfield Area School District who are considering acceptance of the same PILOT Agreement for parcels of property owned by Redstone in their jurisdictions. I believe of that slate we along with possibly Hempfield may be the only two that haven't approved this. Tim, you would know better than I."
- Solicitor McCormick, "Actually I don't know specifically. I do know that Norwin School District and Franklin Regional have signed off. More importantly, there are five other municipalities and/or school districts involved and six solicitors. This tax exemption appeal was filed. Already part of the property where Redstone is located is considered tax-exempt. There's a court case that governs this. We have also consulted with solicitors and other personnel for their advice on this, and it seems to be universally agreed to that if this would proceed to trial, which is scheduled for later this year, that there's a very good risk the governmental authorities would lose pursuant to present case law. So this program for the next seven years will allow us to have some of the tax come in, and while this is not part of the agreement there is some indication there will be continuing payments after that; although that is not binding. Also of great significance in this agreement is that if during the time of this agreement the law in Pennsylvania would change to disfavor these types of tax exemptions or at any time after the seven years that we're talking about in the conclusion, the law would change, then, of course, the City and the other municipalities would have the right to return the property to tax status as opposed to tax-exempt status. Especially in this day and age it's a hard pill to swallow, but I think it's better than proceeding under the law and losing. The Supreme Court of Pennsylvania has apparently expressed a preference in legislation that these types of senior care facilities be allowed tax-exempt status. So it would be my legal recommendation to Council that they accept the proposed agreement before them and authorize the Mayor to sign off on the City's behalf."
- Councilman Finfrock, "Tim, is this an all or nothing deal? In other words if we would accept it and one or the other taxing authorities would reject it, that wouldn't impact our decision?"

Solicitor McCormick, "No, it wouldn't impact our decision. That entity would be permitted to go to trial and the case could proceed to trial. The risk, of course, for the municipality that would elect to do that is they would end up getting no money at that point."

Mayor Eisaman, "And they would bear all the legal expenses."

Solicitor McCormick, "Again the law has changed in Pennsylvania in the last 20 years. This is the second change but it's a fairly open law. I will say this on Redstone's behalf; they did a very good job through their experts analyzing not only the economic impact but also setting forth in plenty of time for the trial but more importantly in plenty of time for your consideration why they feel they qualify. These reports have been circulated to all of Council before tonight, and you've had an opportunity to look at them. I do give them credit for doing that. They didn't have to go through the extensive sharing of this information until the time of trial. I do think they've tried to be a good neighbor, but they feel they have a right to proceed in this way. And they always have been a good neighbor, and I'm sure will continue to be a good neighbor, a good citizen actually."

Mayor Eisaman, "Actually, from the information we're projecting to lose...."

Solicitor McCormick, "In the first five years it's in the neighborhood of up to \$13,000, some of which has already been paid and they're to receive credits for, and after that the impact is more significant, of course."

Mayor Eisaman, "So basically in the year 2014 the tax would have been around \$26,080 and that will go down to \$6,389?"

Solicitor McCormick, "Right, and again I have discussed with their representative that it not go down to zero, although that is not part of the agreement. That would be a voluntary gesture on their part recognizing they would continue to require police service, fire service and road service leading up to Redstone and all that kind of thing. I'm optimistic they'll recognize that and do the right thing for the City, but we'll have to see."

Mayor Eisaman, "To the best of your knowledge, Solicitor, currently the six organizations involved in this are moving towards signing this agreement?"

Solicitor McCormick, "I understand two have already signed off on it. Sue seems to have more current information that two more have signed off officially, and I also have consulted very specifically with the representative from the Hempfield School District, and I would be shocked if they didn't sign off on it also."

Ms. Trout, "The County itself doesn't have to sign off on it?"

Solicitor McCormick, "Yes they do, but my information relating to that is that they will. I have never known them to deviate from the local municipalities' wishes on this. They invariably take the position that if the local municipality agrees to grant some type of tax relief whether its exoneration or an exemption or a reduction, they've always signed off on it. Their representative has also been consulted on this and again I would be shocked if they also didn't agree."

Ms. Trout, "But they're purposely not being a part of the agreement?"

Solicitor McCormick, "Right, because it's different on a tax assessment appeal when you're looking at a reduction; you're talking about an exemption. That's a dispute directly with the municipality that the property is located in. They're County-wide and they have to subscribe to it. In answer to his question if the County disagreed, they really couldn't continue to go to court, because the municipalities have all signed off on it."

Councilman Tridico **MOVED** to approve the PILOT agreement, and Councilman Finrock **SECONDED**. No further discussion. **All voted unanimously to approve the PILOT agreement.**

*****ADJOURNMENT*****Councilman Peterinelli **MOVED** to adjourn the meeting. **SECONDED:** Councilman Tridico. Unanimously all voted in favor to **adjourn.**

RESPECTFULLY SUBMITTED:

Susan M. Trout, City Administrator

