

**CITY COUNCIL MEETING
MINUTES
Monday, March 10, 2008
7:00 p.m.**

Mayor Eisaman called the meeting to order at 7:00 p.m. City Administrator, Susan Trout, conducted roll call with the following members present: Councilman Johnson, Councilman Peterinelli, Councilman Tridico, Councilman Finrock and Mayor Eisaman. City Solicitor, Timothy McCormick and Fiscal Director/City Treasurer, Mary Perez were also present.

*****PLEDGE OF ALLEGIANCE*****Councilman Johnson

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

Doris Kaufman, 62 Northmont Street, Greensburg, PA. Ms. Kaufman, "I would like, if possible, to have an update on the progress that's being made in regard to the Northmont Street Stream Project. I didn't bother you last month, and I thought perhaps you'd have something new to tell us. Rain is going to be coming, and we're getting a little nervous."

Mayor Eisaman, "Two items we know right now are we have scheduled a meeting at Representative Tangretti's office on March 25, 2008 at 9:00 a.m. or 10:00 a.m. with the local Department of Environmental Protection (DEP) and Hempfield Township; who we need to partner with on this. This meeting is primarily to see what we can do as far as cleaning streams and protecting the areas so we don't have the problems we're talking about. The second item we found out last week is that the DEP has notified the respective parties in the State offices, the Senate and Representatives, and they don't think they will have the money in this year's budget for the DEP. But we're still trying to push to get it into next year's budget. I think they felt it would be in next year's budget. Next year's budget is fiscal year July 1, 2008 through July 1, 2009, which is the budget they hope to have this project in."

Ms. Trout, "And that is to contract out the design."

Mayor Eisaman, "Correct."

Ms. Kaufman, "Does that mean they would start acting on it at that time?"

Mayor Eisaman, "That is to do the design work, and just remembering Jack's Run, that could be one to three years, fast-tracking it."

Ms. Kaufman, "I know they had mentioned about outsourcing to...."

Mayor Eisaman, "They didn't want to do outsourcing for whatever reason on this, because they want to handle it in-house. I think probably they didn't want to outsource it because they don't have the funds to go outside."

Ms. Kaufman, "We'll just have to pray a lot; is that it?"

Mayor Eisaman, "Unfortunately, yes, but we're still trying to do what we can.

Obviously, if anybody wants to send letters to Representative Tangretti or State Senator Regola asking that it remain in the 2008-2009 budget, that would be a positive thing."

Ms. Kaufman, "I would appreciate that because I just don't want this to go by the wayside again. It's happened too many times."

Mayor Eisaman, "In fact, I'll ask Sue to draft a letter for me to send to the Representatives and I will forward a copy to you."

Ms. Kaufman, "Thank you."

Councilman Peterinelli, "Doris, since I took over the Street Department I informed the Police Department at night when it rains to check that area and if it over floods we will need to get the Fire Department out. The Street Department goes over there every day that it rains to make sure it's not backing up."

Ms. Kaufman, "Well, thank you. I know they did help us previously."

Councilman Peterinelli, "We will continue to do that."

Ms. Kaufman, "We appreciate that and anything you can do. Thank you."

Mayor Eisaman, "Thank you, Mrs. Kaufman."

Mary Masur, 420 Concord Avenue, Greensburg, PA. Ms. Masur, "This is in reference to the Student Housing Zoning Policy. As a student at Seton Hill I feel this is discriminating against us. If I was any other 22-year-old female working in Greensburg, it wouldn't be a problem. But because I'm 22 years old, working in Greensburg and happen to be a student, I'm being discriminated against. I don't see the parents of the high school and middle school students that run through my front yard every day and harass the neighborhood dogs being told you can only live in certain places. But because

we're here trying to better ourselves and make something of ourselves for the future, we're being discriminated against."

Mayor Eisaman, "I assume you're referring to the ordinance on student housing."

Ms. Masur, "Yes."

Mayor Eisaman, "We will be re-evaluating that ordinance, and we are working with the people living in current houses now. They can stay there until the end of the semester. Part of the reasons we adopted guidelines similar to West Chester, PA was because we wanted to protect certain neighborhoods so they didn't all become student housing. It's a learning experience and we're trying to do the best we can. We always don't have a lot of cooperation from the landlords and we're just trying to work through this puzzle, piece by piece. Unfortunately, when there is change sometimes you have obstacles and we have to work through the process. Thank you."

Jessica Bob, Seton Hill University, Greensburg, PA. Ms. Bob, "I just want to add to what she was saying about the housing ordinance. Currently, a lot of the dispute is you don't want us to come in and take over the community and have a whole section of student housing, but we really do want to get involved in the community as young adults. I mean I am a member of the softball team and I know a couple of other people who are members of teams at Seton Hill and we participate in different community-service activities. We've been doing cleanups around the neighborhood and we do want to add to the community as a whole. A lot of us are from different areas not familiar to here. We like it here and we want to get involved to possibly live here in the future, but when we're being pushed out and confined to our campus because of the different constraints, it's hard to get that opportunity. I just want that to be considered along with the decisions so hopefully it can be remapped and reconsidered."

Mayor Eisaman, "Thank you, Jessica. Some of the concerns we have with student housing is safety of the members of the house. That is why we require some safety items such as smoke alarms and things of that nature. Occasionally you will see in college towns, and it doesn't have to be just students, but you tend to see fires more often in houses where students are involved, so we're concerned with the public safety aspect. The other concern is a lot of our neighborhoods where these houses are located are designated permit parking areas. If we don't have enough adequate parking for everybody it becomes a problem for our Police Department answering phone calls and going out on visits. So we try to address some of those issues as well as protect the value of the neighborhoods. And we have some landlords that have gone into neighborhoods and fixed up the houses following the guidelines in the Student Housing ordinance and it has been an asset to the community and the neighborhood. That's what we're trying to establish."

Ms. Bob, "I think it's more the 500-foot constraints especially since in Greensburg the houses are so close together. Five hundred feet isn't a lot, give or take, in a lot of the neighborhoods."

Mayor Eisaman, "We may need to look at if it crosses certain streets maybe in that area the footage doesn't have to apply. There may just have to be some improvements. The Planning Director has asked us in the past to look at a less-restrictive plan. Possibly we will have to re-evaluate this in the future and there may be some exceptions made and Council may look at some revisions to the ordinance. Once again as I said to Mary, we were trying to do something pro-active and by doing that we knew we would hit some bumps in the road. We just have to get all the pieces to fit to make it good for the students and the community members. We just want a good mix for everybody. Thank you."

Ms. Bob, "Thank you."

Solicitor McCormick, "In terms of the legal aspect the ordinance is intended not to regulate student housing so much but landlords and property owners who have students living in their rental properties. And, again, when people hear student housing they think it's keeping the beer parties to a minimum and the noise to a minimum, and I think Barb Ciampini, who has worked with this, can tell you that really isn't the formula. That's really not what they're looking for so much as to make sure that landlords notify us of when they have a student house so we can get our people in there and make sure they're safe; all the things the Mayor talked about. And that they don't try to take advantage of the students and the rest of the neighborhood by not providing sufficient parking. So if you look at it more in terms of the City's interest isn't really the students so much, it's regulating the people that own the houses. That's really the distinction that the courts made when they approved these kinds of regulations in all sorts of places that have universities and colleges."

Ms. Bob, "Alright, thank you."

Dennis and Kristi Fellers, 189 Silvis Farm Road, Greensburg, PA. Copies of their prepared comments were submitted to Mayor and Council. See attached.

Tom Billeck, 423 Concord Avenue, Greensburg, PA. Mr. Billeck, "I met Denny and Kristi when they moved in several years ago. I've been living there since 1996. For the past 12 years I've been teaching at Hempfield. Just so you know the importance of this meeting tonight to me, I'm missing a Board meeting where one of my students is speaking, so this is an important issue for me. I attended Seton Hill College and I did have a good experience. I did have a good experience being in the City of Greensburg, which prompted me to want to purchase a property immediately upon graduation. It took me about a year but I did indeed buy the property at 423 Concord Avenue. I bought it for two reasons. One as my residence, which is quite obvious; I've lived there almost 11 years, and as a rental property it was an investment. It's a duplex and behind the duplex is a couple-car garage with an apartment above it. So it was quite apparent it was going to be an investment and I may not live there for the rest of my life. During the 11 years that I lived there, seven of those years I've had students in one of the apartments, which happens to be the apartment above where I live. I never really had much of an issue with that. During that time and I'm looking at the ordinance you have now there were years when I was in grad school and I had a student living above me. There was a year that I was in grad school and had another graduate student living above me. Right now, I'm not following your ordinance. I have a student living upstairs who has to get special parking; she has arthritis. She has a handicapped parking spot. This year my wife went back to school for nursing; that's two college people living in a house. That's more than your ordinance allows. Your ordinance says you cannot have, regardless of the number of units, more than one student in that household. I'm having a little bit of a problem with that because I don't meet your requirements. I don't think it was written for the intentions of what it's doing. A couple of houses down the street from me in a few more years you'll have a family who's well-known in the City, very good athletes who will be going to college. That's more than two college students in a house; there will be three at one time going to college. They will need a student housing permit, but they won't be able to get it because at 422"

Solicitor McCormick, "That doesn't sound like a student house under the ordinance."

Mr. Billeck, "Well then you need to take a closer look at your ordinance, because that's exactly how it's worded. It's the same for the situation I'm in. So I contemplated after the last meeting, because I had come for Denny. He had asked me to speak about any problems I had with the college kids in his household. And I came and I spoke and I also got the chance to listen, which probably prompted me to be at this meeting. Because when I realized that I wasn't meeting the requirements although I have the hard wiring and all the safety issues, I don't think there would be any issues with that, but I realized I can't do that. I'm not going to file for a variance where I have had college kids living for seven years out of the 11 that I've owned it; two people at least going to college. I won't file for that variance, because my wife and I can't have a parking permit. I have a choice and I want to be lighthearted with this situation, but I'm asking you do I evict a student who is living there who has arthritis or do I evict my wife? We're not meeting your requirements. I am a little bit upset with the way it's written, because I was a Seton Hill student. I came here and stayed in the City of Greensburg because I thought it was a good place to live and I think by turning away these students, the way it's written now, it's wrong. I mean I feel as though you're going to turn away a lot of potential people that could stay in the City and be of some benefit. Work with them. If I did apply for that permit, one, I don't know if I could get it because there is one right across the street, but if I could prove and somehow get a variance, now I've limited myself with the parking that I can have. When it's been an 'R-2' from the day I bought it and I've always been able to have two parking spots for my apartment and sometimes one or two for the apartment above mine. Now I would suddenly be allowed one. That's absurd. I don't think anybody can look at that and see the way it's written right now really is very good. There definitely has to be some changes. Why would I after the last four years put \$35,000 dollars into my home for people who weren't going to be responsible in it? I think you need to look at this in a completely different way than student housing. I have some wonderful neighbors but I live on Concord and I know a little bit about Harrison. There are homes where you have landlords who haven't been to that house in years. They don't care how many times the police have been there whether it's due to drugs or destruction of the property. I've called the police, but I've never had to call them on the college kids. Make the landlords more involved. I made a suggestion to you and one of my recommendations was people have difficulty parallel parking. However, if you painted lines without designating a spot for somebody you'll fit many more cars on one

side of the street each time. You can say you have this permit and you have to be within the white lines and if you're not you get a ticket. There are people who can find ways to take up three spots with one vehicle and that's part of what you're saying is an issue; the parking. So paint lines. If you're looking for a method to paint lines I'd be more than happy to pay for an annual \$3 sticker rather than a one-time deal. If it's college kids you're worried about having extra parking on the street, charge them. He had suggested a yearly or semester fee and raise it; make it \$25. That should make up some of the money for maintaining and painting your lines. I want to know what is being done to the landlords who aren't doing anything. I mean I've taken pride in the property I own. Yet I have one property next to me and several down from me that are absolutely falling apart. On top of falling apart sometimes people can go through hardships. But when it's a landlord that's letting it fall apart and the people that he's getting in there; he makes and they make no effort whatsoever. You see the police a lot of times at the bigger apartment buildings at the end of our street. I'd like to know what we're doing about this. Make them responsible. So I made a recommendation; instead of making it so much housing for college kids and I like Denny's words, 'nuisance homes', why don't you put a little bit of power in those landlords' responsibilities in saying that if the police are called to your house 'X' number of times, and you determine the number of times, whatever that number is, then the landlord must evict that person. I can assure you that no landlord wants his college kids or any other person evicted out of their house in, let's say mid-semester or middle of the winter when it's difficult; they're going to stay on them a lot harder. They're going to solve problems before they become a problem. Then what you're doing is giving them the power and you're giving them the ammunition to evict a person if necessary. Right now we all know if you need to evict somebody it's not always easy. But if it's written and it says that the landlord must evict a person if this is occurring over and over again, you'll solve the issue. You'll empower them to be able to do that. I know I would have no problem with it. I have a real problem though and you can word it any way you want in the ordinance, this is segregation and generalization of every college student. I've rented now to several people for the last 11 years. I would never feel comfortable if someone came to look at my apartment and I said I'm sorry I can't rent to you. We have too many elderly. We have too many males on this street; too many females, whites, blacks, Hispanics. I would never feel comfortable saying that but you're forcing me to tell the good, potential tenant, you're a student so get lost. I can't rent to you. I was that student looking for housing at one point. And you know what, Seton Hill has grown, and I'm pretty proud of that. In addition to its growing, it's not grown that big. It's not become that much bigger of an issue. If you look at the enrollment, and I didn't go in and look at all the numbers like Denny did, but a lot of that is on-line classes and graduate classes. I'm just curious do you not want graduate students living in the City either? These are people maybe working as a professor at the college part-time. They might be teaching. They might be holding a job at the Courthouse and going back to school. But they fall under all of your guidelines the way they're written. I know Mr. McCormick that you said you don't feel that it would affect a family. It most certainly does."

Solicitor McCormick, "I don't remember saying that; in what context?"

Mr. Billeck, "When I was referring to the family of three children beside my house, a couple of houses down. When their kids go to school it is written that way."

Solicitor McCormick, "You're talking about when they grow up and go to college?"

Mr. Billeck, "It most certainly does say that."

Solicitor McCormick, "I don't think so. I think it talks about rental to students. You have to read it in the context. If you have three children who live in your home who are college students; they're not tenants. I assure you my Dad would have been in big trouble with the City many, many years because he had lots of kids going to college."

Mr. Billeck, "There wasn't an ordinance back then either."

Solicitor McCormick, "Well there wasn't, but that's why I said it doesn't sound like it would apply to that family."

Mr. Billeck, "The way I read it and I don't find myself to be an unintelligent person."

Solicitor McCormick, "Well, we wouldn't enforce it that way."

Mr. Billeck, "Wait a minute. You can't pick and choose what you enforce."

Solicitor McCormick, "This is about rental properties. I'm not sure you're even in violation. I think that you and your wife in owning the home...."

Mr. Billeck, "There have been other occasions. How about the engaged couple I had living upstairs who were both enrolled in school?"

Solicitor McCormick, "Well, that's a little different maybe."

Mr. Billeck, "They were renters. Now I'm in violation for renting to engaged or married couples who are going to school. It just seems a little bit ludicrous the way it's written. I

would hope that you're not so stuck on the student home thing. If I leave the City, it's not because of the students; it's because of the other people and other things that are going on. On Concord and Harrison there are a lot of homes falling apart; there are a lot for sale. When they stay unrented or up for sale we know it's a buyer's market; it's not a seller's market. The only people that are going to be able to afford to buy those homes are people who are going to be able to make it as an investment. When they stay up for sale you're going to see that part even go down further. Then you have a lot of troubled areas there. The police have been called to Concord and Harrison an awful lot of times for a lot of reasons and it's not just because of students. I just hate to see this being a former student there and now I'm trying to give back to the community and it seems very difficult for me to say to someone I can't rent to you because you seem like a very good person but you are a student. I struggle with it. I would be happy at any time to talk or discuss or to help if I can."

Mayor Eisaman, "I appreciate that, Mr. Billeck. Thank you. For the record Ms. Ciampini's name comes up as the enforcer, and she is only going by the policies that are set by Council. I notice some people tend to vent on that department as well as the Police, Parking and Code departments, which each department is given ordinances or systems they have to abide by and enforce."

Solicitor McCormick, "It's my understanding your zoning decision was the end of last month and you understand the Zoning Board and City Council are separate entities under the law; they're autonomous. I'm going to give a cautionary instruction. Sometimes the members of Council like to come back and forth and it's obviously a very complicated issue. But I'm going to advise them against commenting this evening and this obviously isn't going to be resolved this evening so we'll have a future time to discuss this further. Given that your appeal period has not exhausted, I wouldn't want this record or something a Council member said tonight to be misconstrued or thought to be part of the zoning record. They should be kept separate and apart especially if you still have time to pursue an appeal of the zoning decision."

Mr. Fellers, "I completely understand that part of it. I'll be the first to tell you I don't know enough about the process and I didn't know about the differences between Council and the different departments and department heads until I investigated it recently. I do understand that now, which makes me believe that I probably handled my situation the wrong way. That's why I'm now asking you to request a change in the ordinance. I understand that it's legal and it's been held up in a Court of Law; that's not my question or my problem. My problem is this particular ordinance is not fair and does not benefit the City of Greensburg at all."

Solicitor McCormick, "Does it seem like you're segregating on the two issues; the distance between the houses and the parking issues?"

Mr. Fellers, "I am in agreement with any safety issues, inspections or occupancy permits. I support all of that, because I want my properties to be safe. My properties I have for students right now are safe. They're just not legal. They don't have a permit due to their proximity to another home or a parking situation."

Solicitor McCormick, "How would you pick what neighborhood it would be good in or not good in?"

Mr. Fellers, "I picked the first ward of the City where Seton Hill is actually located. It basically runs from West Otterman Street and Main Street to Seton Hill clear up to Cabin Hill. That area being in its vicinity to campus and its closeness to campus and also there are a lot of properties in there that are currently rental properties, whether they're being rented to students or non-students, I don't know. That's why I picked that area. Quite honestly that's why I bought my house there 10 ½ years ago; for this very reason. There have been comments made at previous Council meetings that we should readdress this. It may need to be re-evaluated. Those comments have been going on since April 2007 and I still haven't seen any type of changes or any type of re-evaluation of the current ordinance. In my situation, as Tim said, I can let my student tenants run out their lease which will probably be until the end of May. After that I need to know are you seriously going to consider changing the ordinance to benefit the City and obviously my situation but other people's situations as well? If you're not, I would appreciate you telling me right now, we're not going to change it; we're standing by what we have and we don't want any more students in the town. If you tell me that, there's going to be three more houses for sale in the town and vacant at the end of May."

Solicitor McCormick, "I would discourage them from responding to that question. And, again, because of some of the things we talked about given the status of your case."

Mr. Fellers, "So what you're recommending is they don't say anything until I have a chance to appeal my case in a Court of Law?"

Solicitor McCormick, "I'm just worried that because this is a public record that

something that is said here by a Council member, and they're free to disregard my advice, but I don't want this record becoming attached in any way to the zoning record. They're two separate proceedings. I know that shackles you a little bit; it's a little tough for you, but it's not to avoid the question. It's just to avoid the question tonight. This isn't going to go away. A lot of action has happened on this in the last 60 days or so and it's going to continue to be evaluated. This is an open-minded Council; they're fair. They hear you and you made a very eloquent, reasoned proposal. You made an awful lot of good points and I'm sure they will continue to look at it and seek my advice legally on any changes and modifications. But the one thing I can state on behalf of Council is they do not want the students to go away. They want to encourage a student population here that utilizes the City as much as the other citizens."

Mayor Eisaman, "We would like to have positive landlords like the people who were here this evening."

Mr. Fellers, "I think it's painfully obvious that the students see the City in a completely different light than you are trying to project to them."

Solicitor McCormick, "Maybe not after tonight once they've gotten to know us a little bit."

Mr. Fellers, "Is there any timeframe when Council has to respond?"

Solicitor McCormick, "No, but I'd check back with Barb after you decide whether you're going to appeal or not and keep the dialogue moving."

Mr. Fellers, "My next step from here is to be in contact with Barb; is that what you're saying?"

Solicitor McCormick, "Yes."

Mr. Billeck, "I'm not familiar with City Council, but do you set up committees that involve community members?"

Mayor Eisaman, "We have, yes."

Mr. Billeck, "Would you be interested or willing to do this with the zoning?"

Mayor Eisaman, "I don't necessarily know about zoning but with regards to the ordinance?"

Mr. Billeck, "Okay, with regards to the ordinance and student housing, because I would be more than happy to sit on that. If you would consider that you have my phone number."

Mayor Eisaman, "I appreciate that. Thank you."

*****BIDS*****

a. Purchase of Street Materials. Ms. Trout, "We advertised for bids and opened them on Tuesday, March 4, 2008. After review of the bids by myself, Rick Hoyle, Ron Regola and Mary Perez, we recommend Council accept the low bids on Items 1, 2 and 4 from Tresco Paving Corporation; the bids on Items 3 and 6 from Derry Construction; and Item 5 from Heilman Pavement Specialists."

Item 1 – 1,000 Tons, ±, Superpave Mix, 25.0 mm Base Course, PG 64-22 @ .3 to less than 3,000,000 ESAL

Item 2 – 1,000 Tons, ±, Superpave Mix, 19.0 mm Base Course, PG 64-22 @ .3 to less than 3,000,000 ESAL, SRL-H

Item 3 – 3,000 Tons, ±, Superpave Mix, 12.5 mm Wearing Course, PG 64-22 @ .3 to less than 3,000,000 ESAL, SRL-H

Item 4 - 3,000 Tons, ±, Superpave Mix, 9.5 mm Fine Grade Wearing, PG 64-22 @ .3 to less than 3,000,000 ESAL, SRL-H

Item 5 – 100 Tons ±, Bituminous Cold Patch Material

Item 6 – 1,000 Gallons, ±, PG 64-22 Bituminous Sealer (Hot)

Bidders:	Item 1 Unit Price	Item 2 Unit Price	Item 3 Unit Price	Item 4 Unit Price	Item 5 Unit Price	Item 6 Unit Price
Tresco Paving Corporation, Pittsburgh, PA	\$38.60	\$40.30	\$49.60	\$44.70	No bid	\$2.00
Derry Construction Co., Inc. Latrobe, PA	\$38.75	\$41.10	\$43.05	\$45.10	No bid	\$2.00
New Enterprise Stone & Lime Co. New Enterprise, PA	\$43.45	\$46.55	\$48.65	\$51.80	\$69.00	\$3.00
Heilman Pavement Specialties Sarver, PA	No bid	No bid	No bid	No bid	\$62.88	No bid

Mayor Eisaman, “The approximate cost is about 15% more than last year?”

Ms. Perez, “That’s correct, Mayor.”

Councilman Peterinelli **MOVED** to accept the low bids as presented by the City Administrator, and Councilman Tridico **SECONDED**. No further discussion. **All voted unanimously to accept the bids.**

b. Purchase of Golf Course Vehicles. Ms. Trout, “These bids for the purchase of Golf Course Vehicles were advertised and were also opened on Tuesday, March 4, 2008. After Mary and I and Tom Bell, the Golf Course Superintendent, reviewed the bids we’re recommending Council accept the low bid on Item B from Golf Car Supply, Inc. and the low bids on Items C and D from Zannotti Yamaha Golf Cars for a total amount of \$25,181.”

Proposal A: Purchase price of five (5) 2008 golf carts

Proposal B: Purchase price of five (5) 2008 golf carts including trade-in of five (5) used carts

Proposal C: Purchase price of one (1) 2008 utility vehicle

Proposal D: Purchase price of one (1) 2008 6-passenger vehicle with trade-in of one (1) used 6-passenger cart

Proposal E: Total price of all vehicles with trade-in of five (5) used carts and one (1) used passenger cart

Bidders:	A	B	C	D	E
Golf Car Supply, Inc.	\$18,685	\$13,685	\$6,900	\$6,765	\$27,350
Zannotti Yamaha Golf Cars	\$18,745	\$14,745	\$5,798	\$5,698	\$26,241

Councilman Johnson **MOVED** to accept the low bids as presented by the City Administrator, and Councilman Finrock **SECONDED**.

Mayor Eisaman, “Did these numbers come within budget?”

Ms. Perez, “Yes they did.”

No further discussion. **All voted unanimously to accept the bids.**

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

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

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

Councilman Johnson, “The ice skating season and winter programs at the arena will soon be over for the season. During this last month some of the highlights are the annual Laurel Hockey Tournament; the group lesson ice show will be held on Sunday, March 30, 2008, at 6:00 p.m.; and the spring league hockey games. At this time the last day of scheduled ice time will be Thursday, April 3, 2008. Our next scheduled ice skating programs will begin in the middle of August. The Travel Soccer Program has completed their registration process and there are a total of six teams. We have one team in the under-10 age group; two teams in the under-12 age group; two teams in the under-14 age group and one team in the under-17 age group. All travel team games will begin on April 6, 2008. Our In-house Program has over 200 children registered and we are in the process of dividing the players into teams within their age groups. Weather permitting practices will begin later this month. We are now offering a new Soccer Tot Program this spring season and our registration is at 30 participants. This program is scheduled to begin on Saturday, March 29, 2008, and registration will be closed. Our Spring Baseball Program is still open for registration. This is for ages 5-16 years of age. These teams participate in a recreational league that is comprised of other recreational programs within the community. We also offer a Junior and Senior Legion Baseball Program. The Junior Legion is for boys 13-15 years of age and the Senior Legion is for boys 16-18 years of age. Players are required to try out for these teams. These tryout dates will be announced and set for several days in April of this year. This is for boys residing in the Greensburg Salem School District. At Mt. Odin, the golf course is now open for

business. We recommend you call the Pro Shop to inquire about the course conditions before attempting to play. On Saturday, March 22, 2008, the Recreation Department along with the Greensburg Head Start Program will sponsor their annual Easter Egg Hunt at the Heather Lund Pavilion. This is scheduled to start at 1:00 p.m. There will be activities and treats for children eight years of age and under. That completes my report.”

Councilman Peterinelli, “We’re running low on the salt, Mayor. We placed orders on February 27th and March 3rd and no deliveries have come in. The Superintendent of the Street Department called Cargill and he hasn’t gotten an answer. So he has a contingency to do it, but we only have enough salt to do the streets, parking lots and Lynch Field two times. Hopefully it doesn’t snow anymore. Also we have to request bids for Jack’s Run. Some bushes are rising up in there and we have to cut them down. We’re beginning the inventory of the streets and alleys we’re going to pave this summer. That’s it, Mayor.”

Councilman Tridico, “The Transit Revitalization Investment District (TRID) study is ongoing. The TRID Steering Committee is meeting this month to review the recent findings of the consulting team. Personalized Colors has relocated to 229 South Main Street and Dental Smiles has moved into 31 North Main Street, the former Ernie Long dental office. City staff is meeting with DEP this month to follow up on the Northmont Flood Protection Project. That concludes my report.”

Councilman Finfrock, “Our revenues are 10% of budget. This is the same as February 2007. Expenses are at 17% of budget. That’s 2% higher than last year. The Fiscal Director has given me a list of bills and the status of them, so I will be reviewing that to see if we have any out-of-liners we have to take into consideration. Two percent isn’t a big deal, but I don’t want to come here next month and have it be 4% out of line. The key is to get this back in line and make sure we’re fine for the year. If we have anything that stands out significantly, I’ll report on that next month. Right now we’ll just watch it a little bit.”

*****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.

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

Bill No. 3 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING CHAPTER 5 ENTITLED, ‘ADMINISTRATION OF GOVERNMENT’ OF ORDINANCE NO. 1646, THE CODE OF THE CITY OF GREENSBURG. Ms. Trout, “The purpose of Bill No. 3 is to delete in its entirety Article X, entitled, ‘Employee Code of Ethics’. The contents of Article X have been updated and incorporated into the Personnel Policy Handbooks for City employees we had adopted a couple of months back.”

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

Bill No. 1 as Ordinance No. 1966 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING ORDINANCE NO. 1646, THE CODE OF THE CITY OF GREENSBURG, DELETING IN ITS ENTIRETY CHAPTER 65, ENTITLED, ‘RESIDENCY REQUIREMENTS’. Ms. Trout, “Adoption of Ordinance No. 1966 removes the contents of Chapter 65 which is related to employment policies and included in the Teamster and FOP contracts, as well as, the Personnel Policies Handbooks for Full-time, Part-time and Seasonal Personnel.”

Mayor Eisaman, “So we’re basically eliminating a duplication?”

Ms. Trout, “Yes.”

Councilman Finfrock **MOVED** to adopt Bill No. 1 as Ordinance No. 1966, and Councilman Peterinelli **SECONDED**. No further discussion. Roll call vote was taken.

All voted unanimously to adopt Bill No. 1 as Ordinance No. 1966.

Bill No. 2 as Ordinance No. 1967 – AN ORDINANCE OF THE CITY OF GREENSBURG AMENDING SECTION 40-1, ENTITLED, ‘ESTABLISHMENT, COMPOSITION, APPOINTMENT AND TERMS OF MEMBERS’, OF CHAPTER 40, ENTITLED ‘HISTORICAL AND ARCHITECTURAL REVIEW BOARD’ (HARB) OF

ORDINANCE NO. 1646, THE CODE OF THE CITY OF GREENSBURG. Ms. Trout, "Adoption of Ordinance No. 1967 changes the composition of the HARB, replacing the requirement that a registered engineer be appointed to the Board to an appointee at large."

Councilman Peterinelli **MOVED** to adopt Bill No. 2 as Ordinance No. 1967, and Councilman Tridico **SECONDED**. No discussion. Roll call vote was taken. **All voted unanimously to adopt Bill No. 2 as Ordinance No. 1967.**

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

Resolution No. 1125 – A RESOLUTION OF THE CITY OF GREENSBURG IN SUPPORT OF SENATE BILL 777, AMENDING THE MUNICIPAL CLAIMS AND TAX LIENS LAW. Ms. Trout, "The Resolution was brought to our attention by our Pennsylvania League of Cities and Municipalities to support, if we should so choose, the option of having a different tax collector as opposed to the County for our liens." Councilman Johnson **MOVED** to enact Resolution No. 1125, and Councilman Finfrock **SECONDED**.

Mayor Eisaman, "Once again, this just gives us the opportunity to explore if it's passed by the House and the Senate?"

Ms. Trout, "Correct."

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

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

a. Reappointment to the Aerobic Center Authority. Ms. Trout, "Council approval reappoints Debbie Reese to a 3-year term on the Authority until March 8, 2011."

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

b. Resignation of Kevin Johnson. Ms. Trout, "Council approval accepts the resignation of Kevin Johnson from the position of full-time Recreation Worker retroactive to February 13, 2008."

Councilman Johnson **MOVED** to accept the resignation, and Councilman Finfrock **SECONDED**. No discussion. **All voted unanimously to accept.**

c. Resignation of Police Officer, Lieutenant Stan Joyce. Ms. Trout, "Council approval accepts the resignation and retirement of Officer Joyce effective May 27, 2008."

Councilman Tridico, "Do we have a contingency on his resignation?"

Ms. Trout, "As far as getting the process started for testing, we have begun that process."

Mayor Eisaman, "And he has formally given us a letter of resignation."

Councilman Tridico, "Okay."

Councilman Tridico **MOVED** to accept the resignation, and Councilman Johnson **SECONDED**. No further discussion. **All voted unanimously to accept.**

d. Hiring of Seasonal Recreation Department Employees. Ms. Trout, "Michael Kaufman and Matthew Basl are recommended to be hired as seasonal maintenance employees at Lynch Field at \$8 per hour. At Mt. Odin, the slate of seasonal maintenance employees recommended to be hired includes Alex Bohince, Kenneth Mock, II, Colt Onodnicki and James Spisso at \$8 per hour; and for the Pro Shop, Justin Ambrose, August Bertolino, Donald Hoyle, George Peltier, Taylor Sphon and James Templeton are recommended to be hired at \$7.15 per hour."

Councilman Johnson **MOVED** to approve the hiring of Seasonal Recreation Department employees, and Councilman Finfrock **SECONDED**. No discussion. **All voted unanimously to approve.**

e. Hiring of Part-time Dispatchers. Ms. Trout, "The Chief of Police recommends the hiring of Rachelle Schmidt and Brendon Noll as part-time dispatchers at the rate of \$10.87 per hour."

Councilman Peterinelli **MOVED** to approve the hiring of part-time dispatchers, and Councilman Tridico **SECONDED**.

Mayor Eisaman, "Chief, these are primarily to replace and build up our staffing?"

Chief Lyons, "Part-time people will be leaving."

No further discussion. **All voted unanimously to approve.**

- f. Agreement between the City of Greensburg and the Chief of Police.** Ms. Trout, "Council approval renews the agreement with Chief Walter J. Lyons under the same terms as the previous contract for a period of three (3) years until March 9, 2011."
Councilman Finfrock **MOVED** to approve the agreement, and Councilman Johnson **SECONDED**. No discussion. **All voted unanimously to approve.**
- g. Street Lighting Agreement and Specifications for Lynch Field between the City of Greensburg and Allegheny Power.** Ms. Trout, "Council approval accepts the 5-year agreement that upgrades the current street lighting providing enhanced illumination. This initiative is in line with the City's emphasis on safety, and this is for the area at Lynch Field that nearly surrounds the track and goes back towards the pool near the Five Star Trail."
Councilman Peterinelli, "Did they start already, Sue?"
Ms. Trout, "They did start."
Councilman Tridico, "Will it cost us anymore money?"
Ms. Trout, "They're indicating a slight increase. They're using a more technologically advanced type of bulb so it should be less cost."
Councilman Peterinelli **MOVED** to approve the agreement, and Councilman Tridico **SECONDED**. No further discussion. **All voted unanimously to approve the street lighting agreement.**
- h. Maintenance Agreement between the City of Greensburg and Metro Technology Services, Inc. for the Alert/CARE Software Program in the Police Department.** Ms. Trout, "Council approval renews the one-year agreement for the period of April 26, 2008 through April 25, 2009. The annual charge is \$4,110 reflecting an increase of \$200 over last year's price."
Councilman Johnson **MOVED** to approve the maintenance agreement, and Councilman Finfrock **SECONDED**. No discussion. **All voted unanimously to approve the maintenance agreement.**
- i. Memorandum of Agreement between the City of Greensburg and the Pennsylvania Emergency Management Agency (PEMA) for Participation of Designated Members of the Greensburg Volunteer Fire Department in the Pennsylvania Urban Search and Rescue Task Force.** Ms. Trout, "Approval confirms the re-registration of Region 13 Strike Team and Pennsylvania Task Force-1 approved participants as submitted last year and covered under the Memorandums of Agreement already in place. This is the same slate of folks."
Councilman Tridico **MOVED** to approve the memorandum of agreement, and Councilman Johnson **SECONDED**. No discussion. **All voted unanimously to approve the memorandum of agreement.**
- j. Purchase of 2008 Street Sweeper.** Ms. Trout, "Council approval authorizes the purchase of a 2008 Pelican Series P Three Wheel Broom Street Sweeper for the Public Works Department at the cost of \$141,193.75 using State contract number 2420-02. The contractor is PA Public Works Equipment Company who will use A&H Equipment as the local delivery dealer."
Councilman Peterinelli **MOVED** to approve the purchase, and Councilman Finfrock **SECONDED**.
Councilman Peterinelli, "We are trying to sell the old one."
Mayor Eisaman, "That's good."
No further discussion. **All voted unanimously to approve the purchase.**
- k. Financing Agreement between the City of Greensburg and Federal Signal Finance for the Purchase of a 2008 Street Sweeper.** Ms. Trout, "Council approval authorizes the Fiscal Director to execute the financing documents for the purchase of the 2008 Street Sweeper. Financing will be done through Federal Signal Finance at the rate of 3.96% and includes eight (8) annual payments of \$20,139.07 with the first payment due at time of delivery."
Mayor Eisaman, "That sounds like a pretty competitive rate."

Ms. Perez, "It's actually very low compared to the other rates I got. They were over 5%."

Councilman Tridico, "I understand after we make the eight payments we can buy it out for \$1.00?"

Ms. Perez, "No, there's not even a \$1.00 buyout. After we make the eight payments, it is ours."

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

I. Reduction of Assessed Value of Property Located at 825 North Main Street.

Solicitor McCormick, "Mayor and Council, we have received a request regarding a property located in the City of Greensburg with Map No. 10-02-03-0-223. This is the apartment house at 825 North Main Street. The request is Allegheny Valley Bank is actually the technical owner of the property, but they are trying to sell and have an agreement to sell to a purchaser. The history of this is back in 2005 a tax assessment appeal was filed on this property and it was originally denied. But then an appeal was filed with the Court of Common Pleas and that matter is still pending. As Council and Administration knows, we've had a number of these throughout the recent years, where unfortunately because of the market values and other factors people are feeling, especially on commercial properties, that their current assessed values on the property are not consistent with what the market values are. And, quite frankly, a lot of our commercial properties have been having a lot of success reducing the assessed value so it comes more in line with the market value and properly so. Mary Perez, from the City, has been very vigorous in monitoring this especially over the last couple of years. It is an interplay between basically the County's need to do a more effective job in terms of what properties are really worth and what kind of taxes they should be generating. Be that as it may, this particular property has submitted a request of, and this is an odd property that lies in Hempfield School District as well as the City of Greensburg and Westmoreland County; those are the three taxing bodies, they have asked in order to sell the property or to clear the way to start a new beginning, that we settle with them. This would require unanimous consent of all the municipal bodies. They want us to settle with them whereby everyone agrees the market assessed value be \$890,000 and the assessed value would be \$176,220. Unfortunately, that's a significant hit because the assessed market value right now is \$1,839,192, but the sale price in 2004 when it was sold was \$812,000 and the present sale price is \$850,000 even though Allegheny Valley Bank had to take it back in foreclosure and do renovations. There's also an appraisal that we have seen from a local appraiser who everyone is familiar with and has an excellent reputation who set the value at \$810,000. The timing of this came up rather quickly; we were just notified about it the middle of last week. We've done a reasoned evaluation and I would recommend to Council if someone would make a motion to settle the Court of Common Pleas tax assessment matter so that the assessed market value be \$890,000 and the assessment value be \$176,220. There's a second issue once we see how that motion goes relating to taxes I would like to bring up assuming that motion passes."

Mayor Eisaman, "If I understand correctly, if Council would agree to the \$890,000 assessment based on the information you provided, that's for the year 2008 and forward?"

Solicitor McCormick, "No, I think it actually would be for the year 2006 and moving forward, because the appeal was first filed in 2005 and that would set the date moving forward for the year 2006."

Mayor Eisaman, "I personally don't have a problem based on the information presented possibly considering the \$890,000, but I think my belief is that it's from 2008 moving forward."

Solicitor McCormick, "Well if that's the motion to be made, that's not the request and that's not the terms they're suggesting for settlement of the matter."

Mayor Eisaman, "But it would give them the information they need."

Solicitor McCormick, "We'll give them 2008 and forward. Again that's not the request for settlement that I received from them. It's to settle the pending court case matters. If you want to frame it in that way and they reject it, that's fine. If they accept it, that's fine, too."

Mayor Eisaman, "I have no problem making a motion that for this property that we establish the \$890,000 with an assessment of \$176,220 for the current tax year

moving forward, however, as not part of the motion we, as the City, have the right to re-evaluate that in the future just as the new property owner has the right to re-evaluate it also in the future.”

Solicitor McCormick, “Correct. I will point out to you that what your proposal does is it doesn’t resolve unless they withdraw their appeal. They would still have the right to go forward with the years 2005, 2006 and 2007. If they come in with a lower number than the \$890,000 we’re stuck with the lower number for those three years even if they accept your proposal, which I don’t think they will. I think their proposal is to settle the case that’s pending in Common Pleas Court and your proposal doesn’t do that although it does address certainly taxpayer concerns in the City of Greensburg, and I understand why you’re making the motion. But it doesn’t settle the case.”

Mayor Eisaman, “So you’re telling me I don’t need to make the motion?”

Solicitor McCormick, “No, you can make the motion you want.”

Mayor Eisaman, “I feel comfortable with that motion. It’s up to the rest of Council.”

Solicitor McCormick, “Okay, but you do understand it sort of robs them the purpose of the appeal for the years 2005, 2006 and 2007.”

Mayor Eisaman, “Primarily what they’re looking for is to go backwards on the assessed value to get money to pay less money since we haven’t been paid for the last four years on that property. By going back to 2005 or 2006 it lowers their payment plus penalties and interest and if they would have been successful in negotiating this in 2006, I wouldn’t have a problem. But this is 2008 and I don’t know why we shouldn’t be entitled to the monies that are owed to us prior to tonight’s meeting. I’ll be willing to work with the new property owners based on the values. The last two sales have been \$812,000 and \$850,000 roughly, and at \$890,000 I’d feel comfortable agreeing with that \$890,000 based on recent sales. If somebody wants to second it or provide options, that’s fine.”

Mayor Eisaman **MOVED** to accept the market assessed value of property located at 825 North Main Street at \$890,000 and the assessed value at \$176,220 for the year 2008 going forward, and Councilman Johnson **SECONDED**.

Councilman Johnson, “Are we the first one to step to the plate as far as the \$890,000? Has Hempfield responded to this yet?”

Solicitor McCormick, “It was my understanding that they may have been taking it up tonight in some type of business session. I don’t think the School Board was having a full, public meeting.”

Mayor Eisaman, “I believe Mr. Billeck said they were having a meeting tonight.”

Solicitor McCormick, “It was my understanding they would be taking it up at some point in time. And, again, the unfortunate thing is this was sort of sprung on everyone at sort of the last minute, and I don’t know why unless they just got a buyer two weeks ago.”

Councilman Johnson, “If we don’t parallel the County and Hempfield it puts it back on square one again?”

Solicitor McCormick, “Yes, because there has to be unanimous consent as to the taxes changing.”

No further discussion. **All voted unanimously to accept the values as presented.**

Solicitor McCormick, “Well the second part is a little convoluted because it really doesn’t address their offer of settlement which was essentially to pay all of the back taxes that are due and owing since the year 2004, 2005, 2006 and 2007 at 75%.”

Mayor Eisaman, “That’s 75% without penalty and without interest.”

Solicitor McCormick, “Right. My recommendation there was to reject that because I think that kind of settlement posture is hard to apply unless it’s uniform and there are no exceptional circumstances that have been addressed here. What you’ve indicated with your motion you expect them to pay all of their back taxes at the higher assessed rate 100%.”

Mayor Eisaman, “Right, because nothing has been changed at this point other than tonight, so everything behind us was still based on the \$1.8 million dollars.”

Solicitor McCormick, “Okay, so with your motion and the acceptance of your motion there’s no need to address the tax matter. The taxes will be adjusted in 2008 when they’re not due and owing if they accept your proposal.”

March 10, 2008- 13

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

RESPECTFULLY SUBMITTED:

Susan M. Trout, City Administrator

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