

Allegheny County Council

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Meeting Minutes

Wednesday, February 14, 2018

4:00 PM

Conference Room 1

Committee on Public Works

Bob Macey, Chair; Sam DeMarco, Cindy Kirk, Paul Klein, Robert Palmosina, Denise Ranalli-Russell and DeWitt Walton, Members

I. Call to Order

The meeting was called to order at 4:00.

Invited Guests:

William D. McKain, CPA, Allegheny County Manager or designee(s)
Stephen Shanley, Director, Allegheny County Department of Public Works

Mr. McKain was present from the Office of the County Manager.

Mr. Shanley, Mr. Dillon and Mr. Thompson were present from the Department of Public Works.

Mr. Barker was present from the Office of County Council.

II. Roll Call

Members Present: 2 - Robert Palmosina and Bob Macey

Members Absent: 4 - Cindy Kirk, Paul Klein, Denise Ranalli-Russell and DeWitt Walton

Members Phone: 1 - Sam DeMarco

Members 1 - John Palmiere

Non-Members:

III. Approval of Minutes

IV. Agenda Items

Ordinances

[10493-18](#)

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from a parcel required to stabilize the slope supporting Tarentum Culmerville Road south of Allegheny Valley Expressway (SR 28) in Tarentum Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. McKain summarized its provisions, noting that all three of the items on the agenda are similar, and that eminent domain is regarded as a last resort, only pursued when the Department of Public Works has done everything in its power to acquire rights of way or easements through negotiation. Mr. McKain described the process by which properties are appraised, and indicated that the County and property owners usually do manage to reach an agreement when owners can be identified. Mr. McKain indicated that the project related to the instant ordinance is 100% County funded, but that time deadlines can come into play for projects that receive federal funding, and this can impact the decision about whether or when to proceed with the eminent domain process. Mr. McKain briefly discussed the procedure by which the purchase price is paid to the court and held when one or more owners cannot be identified or located.

In response to a question from the Chair, Mr. Shanley noted that some of the takings authorized by the ordinance are temporary, while others are permanent.

In response to a question from Mr. Palmiere, Mr. Shanley described the landslide that necessitated the instant repair work, and Mr. McKain highlighted the importance of restoring the roadway in question to full functionality.

In response to a question from Mr. Palmiere, Mr. Dillon noted that there are no structures on any of the property that would be acquired or used by the County under the terms of this ordinance.

A motion was made by Palmosina, seconded by Macey, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

10494-18

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from six parcels required to reconstruct Dooker's Hollow Bridge in North Braddock Borough, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill and Mr. Shanley provided a summary of its provisions, noting that the bridge in question is structurally deficient and posted at a lower than normal weight limit as a result. Mr. McKain and Mr. Shanley noted that several property owners in the area had reached agreements with the County through negotiations.

In response to a question from the Chair, Mr. Thompson described the bridge's condition.

Mr. McKain indicated that one of the parcels involved in the potential eminent domain process is owned jointly by six heirs who are not necessarily in agreement about the property, and the project is subject to federally imposed deadlines.

In response to a question from Mr. Palmosina, Mr. Dillon described the appraisal process and discussed how appraisers are selected.

In response to a question from Mr. Palmosina, Mr. Thompson described the scope of the project, noting that debris from the bridge is actually falling into residential yards underneath the bridge.

Mr. McKain noted that some of the parcels that may be involved in the eminent domain process do have structures built on them.

In response to a question from Mr. DeMarco, Mr. McKain, Mr. Shanley and Mr. Dillon indicated that none of the parcels subject to the terms of the ordinance would entail any demolition work, but also noted that the County has reached a negotiated agreement with another owner that will result in a home being demolished.

A motion was made by DeMarco, seconded by Palmosina, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

10495-18

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and temporary construction easement areas from five parcels

required to reconstruct Kenmawr Bridge carrying Kenmawr Ave/South Braddock Ave over Norfolk Southern Railway in the Boroughs of Rankin and Swissvale, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

Sponsors: Chief Executive

At the request of the Chair, the clerk read the title of the bill.

The Chair expressed support for the project, and indicated that he is personally familiar with the bridge in question because he frequently travels on it.

In response to a question from the Chair, Mr. Shanley noted that a temporary bridge would be built next to the existing one in order to handle traffic flow during construction.

Mr. Shanley described the rehabilitation project, noting that the bridge is classified as structurally deficient and subject to a lower than normal weight limit. Mr. Shanley also indicated that PennDOT would be managing the construction process, and summarized the Department's efforts at reaching and negotiating with the various property owners. Mr. Shanley noted that, while these negotiations were ongoing in some cases, the project is time sensitive and lengthy delays in negotiations would likely be problematic.

Mr. McKain noted that two of the parcels subject to the terms of the ordinance do have houses built on them that would be demolished.

In response to a question from Mr. Palmosina, Mr. Shanley noted that one of the houses is occupied by a rental tenant who is moving out, and that he believes the other house in question is vacant.

Mr. Dillon indicated that there are various liens on both of the parcels with homes built on them, and that the cleanest way to proceed under those circumstances is likely to pay the eminent domain price to the Court and to let the creditors determine how to distribute it amongst themselves.

In response to a question from Mr. DeMarco, Mr. Shanley discussed the methods used to reach property owners, and noted that these efforts must be documented as part of the eminent domain process as established by statute. Mr. McKain indicated that the County had appraisals performed for the relevant parcels, and Mr. Dillon noted that property owners are always free to have their own appraisals done if they should wish to do so.

In response to a question from the Chair, Mr. Dillon discussed potential timelines, noting that, while PennDOT will have the final say over managing the construction, the most likely start date is in 2019.

A motion was made by DeMarco , seconded by Palmosina, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

Discussion Topic - Public Works Departmental Update

The Chair thanked the Department for ceating the presentation that the Committee was about to view, and Mr. McKain thanked everyone for their assistance.

Mr. Shanley, Mr. Dillon and Mr. Thompson gave a presentation and provided a handout highlighting the Department's bridge, road, retaining wall, in-house, utility and park

projects competed in 2017.

In response to a question from Mr. Palmosina, Mr. Shanley discussed the difference between contracted and in-house projects.

The Chair, Mr. Palmosina and Mr. McKain discussed the wisdom of undertaking retaining wall projects pro-actively, rather than waiting for problems to manifest.

In response to a question from the Chair, Mr. Thompson noted that the County's milling machine is expensive to maintain, but not significantly more so than other machines of the same type, and indicated that the County performs maintenance internally to the extent possible.

In response to a question from Mr. Palmiere, Mr. Thompson noted that there are about 12 people on the Department's milling and paving crew, and that seasonal help is hired to handle flagging and some other similar duties. Mr. Thompson indicated that the paint crew is separate from the paving crew, and is comprised of about employees.

Mr. Thompson briefly discussed the specific equipment acquired and used by the Department for paving projects.

In response to a question from the Chair, Mr. Thompson discussed what is done with debris from storm drain cleanings.

Mr. Palmosina, Mr. McKain and Mr. Thompson discussed the price of two Vector trucks that the County has purchased, and the potential merits of having camera equipment to help identify issues relating to storm drain maintenance.

The Chair, Mr. Palmosina and Mr. Shanley discussed efforts to coordinance and plan road and utility projects, in order to avoid multiple disturbances to roadway surfaces to the extent possible.

Mr. McKain summarized the County's ice and snow responses to date during the current winter.

Mr. Palmosina expressed support for the Department's activities, noting that spending wisely and pro-actively on maintenance ultimately saves money in the long run.

The Chair expressed his personal appreciation for the Department's willingness and ability to address pothole issues quickly, and noted that the supplemental \$5.00 vehicle registration fee authorized under Act 89 has been of great assistance to the Department in its endeavors.

In response to a question from the Chair, Mr. McKain noted that small municipalities often ask that the County assume ownership of their small bridges, rather than offering to do the reverse. Mr. Dillon indicated that small bridges often are either on County-owned roads or go over streams that are themselves the boundary between two municipalities, and therefore are not completely located in one or the other municipality.

In response to a remark by the Chair, Mr. Shanley indicated tha the Department attempts to use prefabricated culverts and bridges to the extent possible.

In response to a question by the Chair, Mr. Thompson noted that the Sunoco pipeline may have an effect on Homestead Duquesne Road, but that it is too early to tell for

certain, and Mr. Dillon suggested that Pangburn Hollow Road may also be affected to some extent.

The Chair and Mr. Palmosina complemented the Department on its presentation.

V. Adjournment

The meeting adjourned at 5:08.