

## Meeting May 2, 2022

The meeting of Mount Pleasant Borough Council was called to order by President Ruszkowski 7:03pm in Council Chambers at 1 Etze Avenue, Mount Pleasant, PA 15666. The Pledge of Allegiance was said and President Ruszkowski asked for a moment of silence for our deployed troops. President Ruszkowski asked Borough Manager Landy to take roll call. Councilpersons present included Barnes, Czekanski, Cholock, Phillabaum, Barrick, Lasko, Stevenson and Wojnar. Mayor Bailey and Solicitor Istik were present. President Ruszkowski stated that a quorum is present. Councilman Cholock left at 9:02pm.

A Motion was made by Councilwoman Lasko to approve the minutes of April 18, 2022 since Council has been provided with a copy. Motion seconded by Councilman Wojnar. Motion carried 9-0.

### Speakers:

- Joseph Bauer, President of the Mount Pleasant Volunteer Fire Department, of N. Geary Street, Mount Pleasant, PA and Assistant Fire Chief Ryan Brown gave the following report for the Mount Pleasant Volunteer Fire Department:
  - Mr. Bauer stated that their call volume is up a little higher than previous years. They are also responding to Township calls when they are unable to respond. Fire departments across the state are having issues with enrollment. The MPVFD are still able to crew the trucks.
  - Mr. Bauer had 2 requests.
    - They are looking to get rescue tools to assist in extricating patients from vehicles. They are currently using hydraulic tools. They would like to purchase battery operated tools. They received a grant from the state in the amount of \$15,000.00. The cost to purchase the second tool is an additional \$12,000.00. Mr. Bauer stated that he was advised that there was some line-item money that was available for the fire department if needed. The total cost of both tools is \$28,152.00. The tools are a spreader and a cutter. The fire department budget does not permit them to purchase the second tool. They will continue to use the hydraulic tools also. Mr. Bauer stated he will get a letter to the public safety committee regarding it and then return to the next meeting to see if it can be approved.
    - The other request is to see if the parks and recreation committee can ask the softball league to not park their vehicles in the alley that goes back to the concession stand behind the Visitation parking lot. They need these vehicles to not park there due to the possibility of the fire department having to get in there to set up a landing zone for life flight. They cannot wait for vehicles to be moved.

Councilwoman Lasko stated that she would do that right away and clarified where it was and if it was the alley near the concession stand. Mr. Bauer stated yes that is the alley.

- Ryan Brown, Assistant Fire Chief, stated that they had put a request in for a change of the read-outs with the County 911. The new read-outs will let County 911 know what fire departments to call depending on the nature of the call, such as structure fire, automatic fire alarms, medical facilities, etc. Mayor Bailey asked if the County has to approve the request. Mr. Brown replied yes, they do. He will be submitting the request tomorrow; they will review it and the process will take a couple of months. Mr. Bauer stated it will be high risk areas such as the hospital, nursing home, etc.
- Leslie J. Mlakar, Esquire of Avolio Law Group, LLC 117 N. Main Street, Greensburg, PA 15601 addressed Council as follows:

“I am here representing two (2) Borough employees, Jeffrey Landy who is the Borough Manager and Sharon Lesko who is a Borough employee. I am here to

address articles that have been in the newspaper with respect to the Glass and Heritage Festival. Before I get into the heart of my comments, I think it is appropriate to do a little bit of background. The festival I think has been in existence for about thirty some odd years. In 2017 at the advice of the solicitor, to that point the Borough had held the festival and managed the festival and did everything that was necessary with respect to the festival. However, that potentially left the liability for the municipality and I believe the solicitor advised the Borough Council at that time that they ought to separate themselves from the festival. That was done pursuant to a Resolution that was adopted in 2016 that is a matter of public record. Part of the Resolution was to the extent that there would be a continuing partnership between the Borough and the Glass Festival and that is your Resolution 2016-04. It was a smart move because there was always potential liability to the Borough and this eliminated the potential liability. Also, the new association that was created became a nonprofit corporation and received 501(c) status from the Internal Revenue Service as a charitable organization so the people who now make contributions and donations to the festival, can if they are itemizing their deductions, claim a deduction where as up to that point they couldn't have done that. After that was done, it appears that issues started to arise as I review the minutes of the various meetings with respect to whether or not Borough officials and employees could do work on behalf of the festival.

The Borough Code, and I have a copy for each of you, and I believe your solicitor has already explained this to you, 8 PA Consolidated Statutes 1202 outlines the specific powers of the Borough and subparagraph 41 says that the Borough can appropriate in any year out of the general funds of the borough for the observance of holidays or centennials or other anniversaries or for borough celebrations or other civic projects or programs and that contribution doesn't necessarily have to be in cash, it can also be an in-kind contribution, so I have copies of that section to pass out to Council. Lastly, the newspaper articles, and I understand the presses frustration that the Council does not comment of things that happened in executive session. In this instance, as I understand it, the executive sessions dealt with personnel matters which were the fact that Mr. Landy and Mrs. Lesko were performing some tasks for the festival. My clients have authorized me to waive any confidentiality with respect to the discussions of their employment issues and any discussions that may have occurred in executive session can now be made a matter of public record; and if you want each of my clients to acknowledge that on the record, I will have them do that, but I will represent to you that they have authorized me to tell you that.

Now to get to the heart of the matter. As I reviewed the minutes of the meetings from 2016 on, the issue has been raised specifically by one councilmember and that's Councilperson Barnes as to whether or not the Borough can allow its employees to perform these tasks. As I said, the Borough statute allows you to do that. The Resolution in 2016 permits that to occur. What has occurred starting in December of this year, Councilman Wojnar said "excuse me that was last year". Mr. Mlakar continued saying "I'm sorry, December of last year" Councilman Wojnar said "I didn't mean to correct you but I wanted to make sure all of the facts are out there". Mr. Mlakar continued by saying "December of 2021, Ms. Barnes, at an executive meeting of one of the committees, contacted Mrs. Lesko and asked her if she was performing any work on behalf of the festival. It is my understanding that Mrs. Lesko appeared and told her that yes, she had, that because of an illness with respect to the spouse of the lady who was handling the festival, she had been asked to make copies of letters that were received and then being delivered to the woman. After that phone call, on January 12<sup>th</sup>, 2022 Councilperson Barnes came to Mrs. Lesko's office at about 1:00pm. She at that time accused and told Mrs. Lesko that because of the work that she was doing, this was corruption. Now, corruption is a criminal charge in Pennsylvania. The allegation of corruption she had then made to Mr. Landy also. If you look at the definition of corruption under the Pennsylvania law, it states that the party who is accused of corruption must gain some financial benefit from this. The only financial benefit is obviously that's gained is that Mr. Landy and Mrs. Lesko is being paid by the Borough as Borough employees. However, since Borough code allows that to occur, that does not apply. So, I challenge Councilperson Barnes

tonight to come forward with any evidence that she may have with respect to the fact that either Mrs. Lesko or Mr. Landy received financial gain because they were providing services to the borough festival. Can you do that ma'am?

Councilwoman Barnes responded "Nobody ever said they were receiving financial gain:". Mr. Mlakar responded "No, you said corruption; and, that's what corruption is. That's a criminal charge, so your statement ma'am" Councilwoman Barnes interrupted and said "Let's go back. You are incorrect. I never spoke to Mr. Landy about this at all". Mr. Mlakar responded "yes you did". Councilwoman Barnes said "No I did not. I have not spoken with Mr. Landy". Mr. Mlakar stated "Mr. Landy will verify that you did". Councilwoman Barnes continued "I spoke with Mr. Landy in September of 2021. I have not spoken to him about this since then. Mrs. Lesko was gotten on the phone by Ms. Stevenson". Mr. Mlakar stated "I understand that". Councilwoman Barnes continued "Ms. Stevenson is the one that had gotten Ms. Lesko on the phone". Mr. Mlakar replied "correct". Councilwoman Barnes continued "and had Ms. Lesko to admit that yes, she had been doing work for the Borough and that is was not interfering" Mr. Mlakar interrupted and stated "Do you admit that you then came to the office in January and told Mrs. Lesko that she was guilty of corruption"? Councilwoman Barnes replied "No. What I said to Ms. Lesko, I said that you may have confessed to corruption, you have a lawyer friend, you may want to contact that lawyer friend to see where your standing is. That's what I said to Ms. Lesko". Mr. Mlakar replied "and then in February 18<sup>th</sup> of this year, with a notarized sworn affidavit, you filed a letter with the Borough outlining your position; again, saying that there was corruption". Councilwoman Barnes replied "my definition says there is corruption, now Ms. Istik". Mr. Mlakar responded "that's why I challenge you tonight ma'am, step forward with the evidence". Councilwoman Barnes replied "in her defense, she said my definition of corruption was incorrect and she said that her definition is the one that was correct and I said I'm not sure what you're using, I called two (2) lawyers and I asked them what is the definition of corruption, neither one of them could give it to me". Mr. Mlakar responded "well I can read it to you". Councilwoman Barnes stated "well I have to go with what I have". Solicitor Istik interrupted and said "Mr. Mlakar may I just comment because she made an address to concern to me. There was an issue as to whether or not, of the legal definition of corruption and I want to go on the record and state that not only did I advise this Council of the legal definition of corruption but I indicated that it did not apply here whatsoever. So, I too am going on record to indicate that there is no corruption here and that is exactly what I advised this Council of". Mr. Mlakar responded "Ok, and I will clarify for you ma'am. Under the Pennsylvania Crimes Code, Section 4701, which is Corruption and Bribery, it says Offenses defined. - A person is guilty of bribery, a felony, felony of the third degree, if he offers, confers or agrees to confer upon another person, or solicits, accepts or agrees to accept from another: (1) any pecuniary benefit as consideration for the decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter by the recipient; (2) any benefit as consideration for the decision, vote, recommendation or other exercise of official discretion by the recipient in a judicial, administrative or legislative proceeding; or (3) any benefit as consideration for a violation of a known legal duty as public servant or party official. That's the definition of corruption and I wrote to you in March of this year outlining that. I asked you at that time, and I said that so this does not become a circus, which I believe it has now become", Councilman Wojnar stated "yes". Mr. Mlakar continued "that you either in private or at an executive session, apologize to both Mr. Landy and Mrs. Lesko for your improper use of the term corruption and you did not do that. You ignored that letter. That's why I am here. You have made this a circus ma'am. This reminds me, maybe you and I are the only ones old enough to remember the McCarthy hearings, but you are chastising and characterizing these two (2) individuals as criminals by inuendo and misstatement of fact and that has to be corrected. You have also created a hostile work environment. You cannot come in here and bully these individuals by threatening them and saying they are guilty of corruption. If you don't recognize that ma'am then somebody ought to tell you what's right. Councilwoman Barnes replied "Well then you should have showed up for some of our executive sessions if you think they've been bullied if you

want to see who's been bullied. Come to these executive sessions and see how I was treated". Mr. Mlakar responded "I don't get involved with what's going on". Councilwoman Barnes continued "you don't get involved. Ok, well let me ask you a question. Where in here are you saying that we have given permission to Mr. Landy to do what he is doing with this glass festival"? Mr. Mlakar responded "if you look at the minutes, and you've brought this up" Councilwoman Barnes interrupted and continued "when was that done" Mr. Mlakar tried to respond by saying "well first" Councilwoman Barnes continued "because according to Mr. Wagner, Mr. Landy said basically he wanted the Borough to have hands off of the glass festival. Mr. Landy was using the EIN number of this Borough. Mr. Mlakar responded "and that's the reason it was separated". Councilwoman Barnes continued "he didn't do it on his own. Mr. Wagner is the one that said you must separate this". Mr. Mlakar responded "that's right". Councilwoman Barnes continued "and he separated it". Mr. Mlakar said "correct". Councilwoman Barnes continued "and he said do not use, he was not to use any of our employees or any of that. He was supposed to go and do his own thing". Mr. Mlakar responded "except ma'am". Councilwoman Barnes continued "this gentleman is in charge of a separate organization and you want to stand here and tell this group and myself that this is ok to do". Mr. Mlakar responded "Yes, I will tell you that". Councilwoman Stevenson stated "it is right here". Mr. Mlakar continued "because the Borough Code says you can do it" Councilwoman Barnes interrupted and said "Well the Attorney General". Mr. Mlakar continued "and if you read" Councilwoman Barnes continued "does not agree with you" Mr. Mlakar asked "who didn't"? Councilwoman Barnes replied "the Attorney General of this State, that their office stated very clearly that if this Council has not given previous consent to go ahead and let him use our employees then that should be handled to the County detectives for investigation". Mr. Mlakar replied "I suggest to you ma'am that if you go back and look at all of the minutes of the meetings and you've raised this issue since 2017" Councilwoman Barnes interrupted saying "no I have raised this issue for over 20 years. Where is the money going for this Glass Festival?" Mr. Mlakar continued by saying "but I am saying 2017 when it was separated".

Councilman Phillabaum stated "Excuse me. The meeting right before the Glass Festival, I believe it was September 20<sup>th</sup>, we did have a discussion. Jerry said. I don't remember if we just discussed it or it was tabled that associates and employees would be assisting with the Glass Festival to set up and what not and we all agreed and I do believe". Councilwoman Barnes interrupted and said "we do that every September. We're not talking about September. We're talking about the beginning, the earlier part of the year all the way through to September. That's what I'm talking about". Councilman Phillabaum stated "but that wasn't specified".

Councilman Cholock stated "No, I thought we approved it. I think it's in the minutes somewhere" Councilman Phillabaum stated "it is, it was the last one in September". Councilman Cholock continued "that Jeff could work for any 501(c)(3) Councilwoman Barnes interrupted and said "since February" Councilman Cholock continued "but wait a minute, hold a minute, there is two (2) different ways you can go with this before we spin this cat. So, you are going to tell me that Jeff can no longer be associated with the Veterans, the Legion. If you can do that about the Glass Festival, that's where there is a gray area". Councilman Wojnar stated "that's not a gray area, either it is or it isn't" Someone responded "the historical society or the library". Councilman Cholock stated "that is what I mean. You're creating a gray area if you start saying about you can't do for the Glass Festival and whenever Paul Wagner said we separated, we did separate 100% we separated; but, whenever Paul Wagner stepped down and Jack Caruso became the President, somewhere in the minutes I remember that we made a motion that we could use Borough employees for x-amount of hours, two weeks, I forget whatever it was". Councilman Phillabaum stated "the last time we discussed it there was no time line. It was the last meeting in September. To the best of my recollection there was specification on what the time was". Councilwoman Barnes replied "there is. Every September we make that motion to allow". Several discussions going on at one time at this point. Councilman

Cholock stated “and I apologize I haven’t been here for the last couple meetings because, I actually was called out by Mr. Rendine over there or not Mr. Rendine, Charlie Nitterright. I had Covid, my daughter has competition dance, I started a new job so that’s the reason why I haven’t been here. So, for Council and everybody else, I apologize for not being here”. Councilman Wojnar said “I think we should let Attorney Mlakar finish what he needs”. Councilman Phillabaum said “I apologize”. Mr. Mlakar stated “if you go back; and, I have the minutes, from every meeting”. Councilman Phillabaum stated “the last one in September, we discussed it”. Mr. Mlakar continued by saying “well this goes back, this goes way back to after it was separated, ok, after the separation occurred, after they adopted the Resolution in 2016. Councilperson Barnes has raised this issue every year and every year it is explained to her this can be done under the Borough Code”. Councilwoman Barnes stated “that is not true”. Mr. Mlakar stated “I have the minutes ma’am. Why don’t you look at them? Why don’t you read the Borough Code first? Councilwoman Barnes stated “I do not ask this question every year because every September we give permission for the Glass Festival to have our employees help them set up and I say yes. I voted yes, every time as well”. Mr. Mlakar responded “well then where is the corruption ma’am? I again ask you where is the corruption”? Councilwoman Barnes responded “well ask Ms. Lesko”. Mr. Mlakar responded “No, no I’m asking you. You accused her of corruption. Where is it”? Councilwoman Barnes responded “I did not accuse her”. Mr. Mlakar responded “yes you did”! Councilwoman Barnes replied “no I did not”. Mr. Mlakar replied “read your letter ma’am”. Councilwoman Barnes replied “I did not accuse Ms. Lesko of corruption”. Mr. Mlakar responded “you said she was guilty of corruption”. Councilwoman Barnes replied “no I did not”. Mr. Mlakar responded “read your letter ma’am”. Councilwoman Barnes stated “I said you need to go and find a lawyer and make sure you know” Mr. Mlakar interrupted and said “and she did” Councilwoman Barnes continued “what your standing is. That’s what I said to her”. Mr. Mlakar said “she did and I wouldn’t be here” Councilwoman Barnes continued “that was advice it was not accusation”. Mr. Mlakar responded “and I wouldn’t be here ma’am if you would have responded to my letter. I gave you an opportunity to withdraw and I understand you’re a lay person, you don’t understand what corruption is; but once you understood what the crime of corruption was you had a duty to apologize and withdraw the comments you made in that letter of February 18<sup>th</sup>, 2022. You need to do that. Councilwoman Barnes responded “no.” Mr. Mlakar continued “now, you have created a hostile work environment. If you read the letter, some of you Council people are implicated in that letter because her letter indicates that you were doing things that were “improper”; and, therefore under her definition, was also corrupt. Now, if something is not done ma’am, you’re exposing the Borough a liability. You’ve created a hostile work environment, you’ve made false allegations and I intend to proceed further with this, just telling you that, unless you acknowledge that you are wrong and apologize for using the term corruption”. Councilwoman Barnes responded with “I don’t, I don’t”. Mr. Mlakar continued “then we will”. Councilwoman Barnes interrupted saying “you’re not showing me anywhere where we gave permission. You show me where we have given permission to do this”. Mr. Mlakar responded “It’s the minutes, there’s motions made, and I find it very interesting”, Councilwoman Barnes continued “the motions was made”. Mr. Mlakar continued “that you raise this all the time”. Councilwoman Barnes continued “the motion was made; the motion was made in February because I brought it up in December”. Mr. Mlakar responded, “but there was previous, if you read the minutes of the meetings, this has been discussed over and over and over again since 2016; and, every time you raise it, the solicitor or the mayor at that time has explained that the Borough can do this”. Councilwoman Barnes responded “that’s not true”. Mr. Mlakar continued “I find it interesting you waited, til God rest his soul, Jerry Lucia died to start this”. Councilwoman Barnes responded “No. Incorrect”. Mr. Mlakar stated “That is my opinion”. Council President Ruszkowski gaveled the crowd and stated “Ladies and gentlemen please, please be quiet and let the attorney speak and Councilwoman Barnes is responding”. Councilwoman Barnes responded “You are incorrect. I spoke to the Mayor in September with Mr. Landy and he can verify that and I have not spoken to Mr. Landy since then, but I spoke to the mayor”. Mr. Mlakar responded “no, I believe you did speak to Mr. Landy, but we

will let those chips fall where they may”. Councilwoman Barnes responded “with the mayor present”. Mr. Mlakar continued “and, if you noticed in the articles, you’ve made a couple of statements, one of which is that you speak truth to power and I really respect someone who speaks truth to power, but the operative word is truth and what you’re saying is not true. It’s a lie, it’s a fabrication and it’s your vendetta either against Mr. Landy, Mrs. Lesko or the festival”. Councilwoman Barnes responded “No, I don’t have a vendetta against any of them that was made very clear”. Mr. Mlakar responded “then why are you saying these things”? Councilwoman Barnes continued “Because in my mind that’s what’s happening here”. Mr. Mlakar responded “so, in your mind there’s corruption”? Councilwoman Barnes replied “Yes, that’s why I said it”. Mr. Mlakar responded “that’s all I needed you to say, make sure the record shows that”. Councilwoman Barnes responded “I’m sure it will show that”. Mr. Mlakar continued “and I believe because she has said that, as a member of Council, she is subjecting you all to potential liability unless something is done”. Councilwoman Barnes stated “they have already told me that”. Councilman Wojnar stated “please make sure that is recorded”. Mr. Mlakar asked “does Council have any questions”? Solicitor Istik asked “does anybody have any questions for Mr. Mlakar”? Council President Ruszkowski asked “any questions for the attorney”? Councilwoman Stevenson stated “I would like to thank you for helping us understand this better”. Mr. Mlakar responded “may I be excused because I don’t want this circus to continue any longer”? Solicitor Istik and Council responded “absolutely, yes sir”. Mr. Mlakar responded “thank you”. Mayor Bailey responded “Thank you so much”.

#### **Public Comment:**

Solicitor Istik stated “we’re going to do public comment. There is a lot of you here this evening, which we do appreciate, but in order for this meeting to kind of run smoothly, we are going to do public comment and limit everyone to 3 minutes. I have a timer running. Once the timer goes off, we are going to ask that we move on to the next person just to kind of get through everyone. Councilman Phillabaum asked “if I may, since this is related to the subject that a lot of people were up here to address two meetings previously, I was running the timer and I let people go up to 6 minutes. Councilman Cholock stated “but we’ll be here all day”. Councilman Phillabaum continued by saying “I just want to be fair”. Solicitor Istik stated “I’m going to do 3 minutes”. Councilman Wojnar stated “I think 3 minutes”. Councilman Phillabaum stated “We listened to people slander Jeff for 6 minutes, in all fairness if someone wants to speak on his behalf, I think they should be given the same amount of time. That’s just my opinion sorry”. Solicitor Istik stated “the standard procedure is we’re going to do 3 minutes. If someone on Council would like to extend that person’s time for 3 minutes, then we can do a motion at that time; but, lets try to get everything said within 3 minutes because there is a lot of you and when you come to the podium, name an address first please and then I will start your 3 minutes. So, if anybody wants to volunteer to go first, please go ahead and come forward to the podium and we’ll get started”.

- Kathleen Ceroni of 234 Orchard Hill Drive, Mt. Pleasant, PA stated the following:

“I have been a Mt. Pleasant resident all my life, pretty much. This is not Hallmark ladies and gentlemen. I thought it would be. No one can deny that we’re all proud to live in this small town. I talk to people all the time and they tell me, hey I moved here because I wanted this for my kids and it makes me very happy to hear them say those things. The woman at the library with whom I worked, bought a house on Church Street. I love this town, my mother loved this town, we grew up here. I know from personal experience that stepping up for public service is like putting yourself out on a limb for people to take shots at you. So, I want to say to every one of you here, thank you for running, thank you for being here, when you’re on a board, it’s like the firemen, God, how would we ever live without you? So, I mean that from the bottom of my heart. This glass festival and” .... Tape ends.

The following residents spoke to Council in support of the Borough Manager Jeff Landy, Secretary Sharon Lesko and the Mt. Pleasant Glass & Ethnic Festival:

- Richard Cholock of North Church Street, Mt. Pleasant, PA
- Rich Kujawa of College Avenue, Mt. Pleasant, PA

- A. J. Boni of Perry Township
- George Wood of Mount Pleasant, PA
- Val Tressler of Mount Pleasant, PA spoke to Council regarding the use of the gazebo in October for breast cancer awareness.
- Rick Fike of Ruffsdale, PA
- Ken Kovalchuck of 128 Rosemore Lane, Mt. Pleasant PA
- Jim Rega, Jr. of Mount Pleasant, PA

A Motion was made by Councilman Wojnar to extend the 3-minute public comment rule. Motion was seconded by Councilman Cholock. Motion carried 9-0.

- Ed Christophano of Mount Pleasant, PA
- Andy Davis of North Geary Street Extension, Mt. Pleasant PA
- Mike Smetak of Hitchman Street, Mt. Pleasant, PA
- Jim Meredith of Mount Pleasant Township
- Harriet Wilson of Mount Pleasant, PA
- Joe Bauer of 607 North Geary Street, Mt. Pleasant, PA
- Mark Price, Mt. Pleasant Police Department of Scottsdale, PA
- Ken Phillabaum of Hitchman Street, Mt. Pleasant, PA
- Cynthia Stevenson of 408 Braddock Street, Mount Pleasant PA

#### **Mayor's Report:**

Mayor Bailey gave the following report:

- Attended Safety Committee meeting at the Borough building. The topic was Controlled Stress in the Workplace.
- Attended the Rotary luncheon on the 20<sup>th</sup> and spoke about thing happening in the Borough.
- Addressed the MPVFD at their monthly meeting due to rumors that were going on.
- Attended the Red & Blue Gala was held at Yinzer Valley Farms was a great success and was a very special way to honor the inductees into the Alumni Association. Mayor Bailey congratulated Mr. Landy for all the work that he did with that successful event.
- Attended a Veterans Park advisory committee meeting on Thursday, April 28, 2022.
- Attended the Westmoreland County Boroughs Association Annual Banquet on Friday, April 29, 2022 at Lakeview Lounge.
- Reminded residents that the Borough does have an ordinance that prohibits burning in the Borough. If they have brush or branches during spring cleanup, please put it on a pile, contact the Street Department at 724-547-1930. Also, in the fall when cleaning up leaves, rake them and put them on a pile and contact the Street Department. We do not burn inside Borough limits.

Councilman Wojnar reported that he had received a complaint because someone was burning on a Saturday afternoon and a lady had hung out her laundry to dry and the smoke was blowing on her laundry.

Mayor Bailey stated when that happens to have the resident contact 911 and report it as a nonemergency, let them know what's happening and the police will address the issue. It has to be addressed while the smoke and flame is happening.

Council President Ruszkowski stated that they cannot put debris in their firepit and consider it recreational burn. Mayor Bailey agreed that they cannot and said that a firepit can only be used with clean wood and it has to be a low fire. Mayor Bailey stated that she believes Mayor Lucia would permit approximately 5 inches above the ring; and, other than that it was extreme and would be made to extinguish it. If they did not, a citation was issued.

**Solicitor's Report: None.**

**Tax Collector's Report:**

Tax Collector Carol Yancosky read the following report for the month of April 2022:

Property Taxes	\$297,324.40
Supplemental Taxes	\$ 0.00
Per Capita Taxes	<u>\$ 0.00</u>
Total Collected	\$297,324.40

Ms. Yancosky stated that she is still collecting due to any envelopes that are postmarked the 30<sup>th</sup>, she must take it up to 3 working days after the due date.

Ms. Yancosky reported in a separate matter that on Sunday evening, the Police department was patrolling Washington Street and on their second pass through the officer on duty noticed that her car had been damaged by a hit and run vehicle and stopped and notified her that her vehicle was hit. This happened at approximately 1:30 in the morning. Ms. Yancosky praised the police department for doing their job. Mayor Bailey stated kudos to the police department on a job well done.

**Borough Manager's Report:**

Borough Manager Landy stated the following:

“I question whether I should even address this Council. I was asked by the attorney not to say anything so I sat here for, what, 3 months and listened to what you heard them say were lies. Making me work here every day is hard. You know my relationship with the County and the State and the people in this town and when this stuff hits the paper, it makes it harder because now I got to answer questions and defend myself. If there is one person, other than the person who is not happy with me, speak up and I know you have through your vote but I can look around this room and I can tell you I have helped a lot of people in this town, on this town. I have done things when someone asked me not to do it and I said no, that is not the way I am. I was always honest. I grew up with a good family. This Borough would be in a lot worse shape without me. I have never lied and I'm just going to tell you, I can't take it anymore. So, you are going to hear something from me that, I'm just telling you as a Council, I cannot and Sharon cannot work under this situation, and we have. Has anybody thought that we haven't done a good job going through this whole issue”? Council replied “no” Council President Ruszkowski replied “absolutely not”. Borough Manager Landy continued “Have we ever slacked off? Have we ever done what we're not supposed to do”? Council responded “no”. Borough Manager Landy continued “Have we not done a better job financially than we ever have?” Councilwoman Stevenson said “absolutely”. Mayor Bailey responded “oh yes absolutely”. Borough Manager Landy continued “Have we ever had audits that ever weren't considered one of the best in the auditor's realm of doing business”? Council responded “all the time” Councilwoman Stevenson responded “We have always heard that from the auditors”. Borough Manager Landy continued “so, please understand this is a very difficult job to do anymore. It's no fun and I live in this town. I live in this town. Every day I look around and I wonder what people are saying. So, getting to my report, I will give it”.

Borough Manager Landy gave the following report:

- The second floor is now full of renters. That will at least keep us on line budget of what was projected it to be.
- Did negotiations with some of the banks and got better rates when CDs become due.
- Spent a lot of time with Mayor Bailey, Councilman Phillabaum, Street Department and the Police Department looking at updating the yellow lines. We now have paint. Need to get the yellow lines painted so people know where they can park legally.
- Attended the blighted seminar with all of the County that was held at Westmoreland County Community College. We will be getting some buildings torn down at no cost to the Borough.
- Opened bids and hired a company to do grass cutting. It has been approximately 2 weeks and they seem to be doing a good job.
- Have an issue at the little league field with parking. Borough Manager Landy and Councilwoman Lasko spoke with the President of the little league. Tried to expand the parking area by moving some garbage cans and dumpsters. Moved some gravel around to open the area more. This will be an ongoing issue because they have a lot of people playing and there is nowhere to add additional parking.
- Spent time with Police Chief Grippo reviewing some Ordinances. Code Enforcement Officer, Police and the Mayor are in charge of Ordinances. By knowing and understanding some of the Ordinances, as time goes on the police will be able to solve some of the Ordinance issues before we have to have the Code Officer involved.
- The G-17 is really strong this year and will be adding another 4 communities. Borough Manager Landy stated “I do have lots of support from everybody else outside of Mount Pleasant I can tell you that”.
- Held a manager’s meeting. It was stopped during covid. The meeting was very good. The communication between Police Chief Grippo, Jeff McGuinness and Borough Manager Landy was good and a lot was accomplished in that hour. Next meeting Borough Manager Landy would like to bring a guest in, being one of the Council people. Borough Manager Landy would like to have the Mayor as the next guest and the next meeting maybe the parks committee and possibly the streets after and then continue.
- Went with Mayor Bailey to look at an issue with Zaffina car wash on South Diamond Street. It is not a big issue. A neighbor was concerned about the noise. Borough Manager Landy offered a solution of a possible fence to shield some of the noise. Borough Manager Landy stated that there was actually more noise coming from Diamond Street than what the car wash was making.
- We will be doing some playground equipment.

#### **President’s Report:**

Council President Ruszkowski wished Borough Manager Landy a happy birthday and stated “I’m sorry that this is the meeting that I have to do this but I do want to wish you a happy birthday and the only gift I think this Council can give you is our support, so, I speak for everyone I think when I say happy birthday”.

#### **Property Report:**

A Motion was made by Councilman Barrick to authorize Borough Manager to execute the Municipal Right of Entry Agreement for the property located at 26 N. Shupe Street and to execute the Municipal Right of Entry Agreement with Asset Mortgage for property located at 24

N. Shupe Street per the Borough Solicitor. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

Solicitor Istik stated that both of these properties are blighted properties that will be cleaned and we have to execute these Right of Entry Agreements to allow the work to be performed, but then essentially if something were to happen on the property, it would be the Boroughs property at that point so we would take any type of liabilities once we obtain the properties once it's cleaned up. It is a standard agreement. Both of them are the same agreement, standard issued by the County.

Councilman Barrick gave the following report:

- Would like to move forward with the gazebo project. There have been no further comments on what he shared with Council; and since, there are no further comments we should move forward. Councilman Barrick stated he will work with Borough Manager Landy and the contractor.

### **Streets / Stormwater Report:**

A Motion was made by Councilman Phillabaum to award bid to Redstone Excavating in the amount of \$111,355.00 for the 2022 Street Paving Project which will be paid from the liquid fuels account. Motion seconded by Councilwoman Stevenson. Motion carried 8-0.

Councilman Phillabaum gave the following report:

- Thanked Councilman Barrick, Borough Manager Landy and Jeff McGuinness regarding a resident reaching out about an alleyway behind Mario Fontanazza's residence that had some issues. Councilman Barrick suggested that they install a roll curb and Councilman Phillabaum stated that a few potholes will be filled. Councilman Phillabaum stated that he will put that alley on the list for paving / tar & chipping next year.

Council President Ruszkowski asked where are we with the street signs and that there are ones that need replaced. Borough Manager Landy said that he will address it at the Managers Meeting.

### **Parks & Recreation:**

Councilwoman Lasko gave the following report:

- Councilwoman Lasko and Borough Manager Landy met with Eric from E&H Contracting and Landscaping regarding building a few pieces of equipment.

Borough Manager Landy stated that Eric is the gentleman that was hired to do the grass cutting of several parks. Eric is capable of building and he has come up with some wooden structures for the playground instead of buying plastic that will break and deteriorate in a few years. He has come up with about 4 or 5 items at a cost of approximately \$1400.00 to build them and place them at the parks that is part of the motion that is on the agenda.

Borough Manager Landy also reported that the Borough has a wooden boat structure that has been sitting at the street department. Mr. Landy would like to have a splash pad and water feature with the boat by adding 6 misters that sprays a mist that can be used on hot days and will be able to be moved around. Can be used at different events throughout the Borough, firemen's fair, July 3<sup>rd</sup>, the festival, parks, picnics, etc. To move it, we need to get a trailer because the boat is very heavy. Eric from E&H Contracting and Landscaping found a boat trailer for \$400.00, according to him, will hold the boat and then the street department can move it around without having to use a crane. The boat will be attached to the trailer and the trailer will not be able to be used for anything other than the boat. Councilwoman Lasko stated that Eric is also working on a quote to retrofit it, paint it and get it operational.

Councilwoman Barnes asked if the water would be on the wood itself? Borough Manager Landy stated that the water will shoot out and said, will it hit the wood that would depend on the way the wind blows. The boat will be painted to try and waterproof it. Councilwoman Barnes asked

what type of wood the boat was made of. Mayor Bailey stated that she believes it is wolmanized wood and Borough Manager Landy agreed.

A Motion was made by Councilwoman Lasko to approve E&H Contracting and Landscaping to build and install 5 pieces of playground equipment at Frick Park, Willows Park, Jack Bobbs Park, Satcho Park and Medic 10 Park at a total cost of \$1,400.00. Motion seconded by Councilwoman Czekanski. Motion carried 8-0.

A Motion was made to purchase a trailer for use to haul the Mist of Mt. Pleasant boat for \$400.00. Motion seconded by Councilman Barrick. Motion carried 8-0.

Councilwoman Lasko thanked Borough Manager Landy and Councilman Phillabaum for going to the little league field when they were having the parking issues and the follow-ups. Councilman Phillabaum asked if the league addressed the issues of possibly not holding 3 games at one time. Councilwoman Lasko stated that they informed her that it does not happen often. Councilman Phillabaum stated that he believes that these were makeup games and that is why there were so many games that day. Borough Manager Landy suggested to them that they have a 45minute buffer between the games so cars can leave and new ones coming in will have spaces to park and also possibly having someone direct traffic.

A Motion was made by Councilwoman Lasko to accept the Mt Pleasant Area Little League schedule for Spring 2022 and provide a certificate of insurance. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

#### **Public Safety Report:**

A Motion was made by Councilman Phillabaum to transfer the balance in the General Fund Budgetary Reserve – Police K9 line to the General Fund Budgetary Reserve – Police line to be used for the purchase of police equipment. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

Councilwoman Stevenson asked if the money in the K9 line item to be transferred has been approved by the Solicitor and that they are able to do this since it was donated money. Solicitor Istik stated that she has approved it and that the only reason why is that the Borough is no longer going to get another K9; and, in an effort for the money to be utilized, it has to be transferred. Solicitor Istik stated that she specifically told Mr. Landy that it has to be transferred for police related purchase since it was donated for the K9 specifically. Borough Manager Landy stated that is why it is being transferred to the General Fund Budgetary Reserve – Police line item.

A Motion was made by Councilman Phillabaum to transfer \$2,500.00 from General Fund Budgetary Reserve – Police line to General Fund to cover the cost of a computer for the 2021 Ford Explorer Police Interceptor. Motion carried 8-0.

Councilman Phillabaum read the following Fire Report for the month of April 2022:

Total Calls – 38  
In Town – 12  
Out of Town - 26  
10-45's - 13  
Entrapments - 1  
Fires -11  
AFA's - 9  
Hazardous Calls – 1  
Public Service Calls – 4  
Ambulance Assistance –1  
Standby's – 1  
Turnpike Calls – 2  
Landing Zones – 0  
Drills – 0  
Total Members Answering – 467  
Avg. Member Per Call – 12

## **Veterans Park:**

Councilwoman Barnes gave the following report:

- The VFW will be holding a free spaghetti dinner for all local veterans in the VFW Social Hall from noon til 2:00pm on May 7, 2022. This is for any veteran in our local area.
- There is still room for approximately 20 names on the wall at Veterans Park.

## **Human Resources / Ordinances:**

Councilman Wojnar stated the following:

“I don’t have any motions; but I feel the need as the Chairman of the Human Resources Committee to personally thank Jeff and Sharon for continuing to do an exemplary job. I realize it sounds disingenuous based on what’s happened tonight but it is from the heart Jeff. Our Borough is better off because of you, because of Sharon and we have tried to operate within the constraints that we were given and I can’t thank you enough for continuing with the professionalism that you have shown”. Borough Manager Landy replied “thank you”.

Council President Ruszkowski stated that “and I think going forward if there’s any issues that arise that you contact us like you did in the past”.

## **Finance / Grants Report:**

Councilwoman Stevenson stated “I don’t have anything in finance tonight but I will take the opportunity to echo Councilman Wojnar with expressing gratitude to Mr. Landy and Mrs. Lesko for bearing up and continuing to serve us with the high level of professionalism and responsibility”. Borough Manager Landy replied “thank you”.

Borough Manager Landy reported we are nearing the halfway point of the budget and that he and Councilwoman Stevenson should get together to review the budget.

Councilwoman Czekanski stated the following:

“I didn’t want to say anything during the public meeting and I tried to keep quiet because I’m so new and I just wanted to tell this Council that I was so excited that you chose me to be on this Council that you have no idea and now, it seems that I go home and I’m sitting here and I’m thinking, I’ve never been involved in local government before. I have been in administrative like I told you on my resume, I have managed over 150 people many times, multimillion dollar companies and I really am disappointed in what’s been happening here and I just wanted to say that I don’t know a lot of the history. I only know what I heard recently and I do hope that we can come to some sort of pass with this because you know I have never run for public office either. I was appointed here and I’m very excited about it and now I say to myself is this something that you really want to do? I don’t know. I don’t know if it’s something. I want to do it because I love this town. I told you I’m not from here. I been here 17 years but I’m not like all of you, 40 years in Mount Pleasant. I lived in Connellsville and still know more people there than I know here; but I love this town. Talking about my grandson who comes here, we go to Satcho Park, I love this town. So, I just wanted to say that out loud. Jeff, you guys are doing a great job. I just wanted to let everyone know that I am very excited and very honored to be on this Council”. Council responded that they are very happy to have her on Council.

**New Business:**           **None.**

**Reading of Communications:**       **None.**

## **Discussion and Payment of Bills:**

A Motion was made by Councilwoman Stevenson to pay all authorized and approved bills. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

**Public Comment: None.**

**Miscellaneous and Adjournment:**

A Motion was made by Councilwoman Lasko to adjourn the meeting. Motion seconded by Councilman Wojnar. Motion carried 8-0.

**Meeting Adjourned 9:44pm.**

Respectfully Submitted,

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Jeffrey A. Landy,  
Borough Manager

BOROUGH OF MOUNT PLEASANT

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Susan Ruszkowski, Council President

## **Motions from Meeting of May 2, 2022**

A Motion was made by Councilwoman Lasko to approve the minutes of April 18, 2022 since Council has been provided with a copy. Motion seconded by Councilman Wojnar. Motion carried 9-0.

A Motion was made by Councilman Wojnar to extend the 3-minute public comment rule. Motion was seconded by Councilman Cholock. Motion carried 9-0.

A Motion was made by Councilman Barrick to authorize Borough Manager to execute the Municipal Right of Entry Agreement for the property located at 26 N. Shupe Street and to execute the Municipal Right of Entry Agreement with Asset Mortgage for property located at 24 N. Shupe Street per the Borough Solicitor. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

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A Motion was made to purchase a trailer for use to haul the Mist of Mt. Pleasant boat for \$400.00. Motion seconded by Councilman Barrick. Motion carried 8-0.

A Motion was made by Councilwoman Lasko to accept the Mt Pleasant Area Little League schedule for Spring 2022 and provide a certificate of insurance. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

A Motion was made by Councilman Phillabaum to transfer the balance in the General Fund Budgetary Reserve – Police K9 line to the General Fund Budgetary Reserve – Police line to be used for the purchase of police equipment. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

A Motion was made by Councilman Phillabaum to transfer \$2,500.00 from General Fund Budgetary Reserve – Police line to General Fund to cover the cost of a computer for the 2021 Ford Explorer Police Interceptor. Motion carried 8-0.

A Motion was made by Councilwoman Stevenson to pay all authorized and approved bills. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

A Motion was made by Councilwoman Lasko to adjourn the meeting. Motion seconded by Councilman Wojnar. Motion carried 8-0.