

November 4, 2019

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

A Motion was made by Councilwoman Ruszkowski to approve the minutes of October 21, 2019 since Council has been provided with a copy. Motion seconded by Councilwoman Bailey. Motion carried 8-0.

Public Comment:

- Andrea Pritts of 926 Washington Street, Mount Pleasant, PA 15666 spoke to Council regarding amendments being made to the Cell Tower Ordinance. Ms. Pritts asked the reasoning of the required distance for a cell tower from 100' from a residential property line to 150' was suggested and why wasn't it 500' or more. She also requested that the distance of 100' from a residence for a cell tower be increased even further in areas near schools, daycare or parks due to children's brains are more vulnerable to cellular changes of accumulative radiation brought on by these towers. Ms. Pritts requested the locations of the new proposed locations of the towers; and, also if the new setbacks would affect the new cell towers that were approved this year.

Solicitor Istik responded to Ms. Pritts by saying that the 150' setback was chosen to lengthen the gap between a residence and the wireless cell tower. Solicitor Istik stated that the Borough cannot enact an Ordinance that is unreasonable that one cannot comply with just to bully them out so to speak. Companies can then raise the fact that it is not constitutional because it does not even give them the right to even try to come into the Borough. This is the reason you cannot go with 500' or 1500'. However, they may be able to make a specific provision for schools, daycares or parks as Ms. Pritts suggested. As for the towers that were installed by Extenet this year would not be included in the amended Ordinance since they were installed prior to the Ordinance; however, there are discussions with renewing the Agreement with Extenet which ends at the end of this year and it will be something they will be taking into consideration when renewing the Agreement. Extenet provided a survey and is in compliance with the 100' setback guidelines. Solicitor Istik stated that the proposed location by Crown Castle is 750 W. Smithfield Street. This is the only proposed location that has been submitted as of now by Crown Castle. Solicitor Istik stated that it does not comply with the current setback. Ms. Pritts does not believe that Extenet is within the setback requirements with the tower that is on Church Street and the one Diamond Street. Ms. Istik stated that the Borough is also trying to lower the radio frequency so it is only utilized for 3G and 4G, which is 3.6 GHz. Once again, Ms. Istik stated that you cannot make an Ordinance so strict that it prohibits someone from conducting business, which would be unconstitutional.

Ms. Istik stated that the attorney for Crown Castle will be attending a future meeting and will be able to answer questions that the public may have.

Borough Manager stated that they may need a better definition of a residence due to some sections being classified as a business; however, there are homes among that business area.

Speakers: None.

Mayor's Report:

Mayor Lucia gave the following report:

- Mayor Lucia thanked everyone that attended the Halloween Parade.
- Trick or Treat went well. Mayor Lucia thanked Medic 10, the Fire Department and the Police Department for helping with patrolling during trick or treat.

- Veterans Day Parade will be on Monday, November 11, 2019 at 10:30am.

Solicitor’s Report:

Solicitor Istik gave the following report:

- She sent a Resolution to Council regarding the wireless towers. Ms. Istik stated that they may want to have further discussions before adopting.
- Krsita Melillo sent a request to Ms. Istik regarding the paper alley next to her home at 132 – 134 N. Hitchman Street. Ms. Istik would like to contact the adjacent property owners to see if they want to take over their portion. Ms. Istik stated that once she hears from the other owners, she will proceed in getting Ms. Melillo her portion of the paper alley. Borough Manager Landy asked if the work that Ms. Istik is doing on the paper alleys will be paid by who? Ms. Istik stated that since she is doing it for the Borough, it would be paid by the Borough; however, any fees would be paid by the property owner. Borough Manager Landy stated that when the Solicitors for the Zoning and for the Planning do anything there is a set cost for the Borough. Borough Manager Landy stated that the Borough does not know what this will cost them; and, asked Solicitor Istik what the Boroughs cost would be for this. Solicitor Istik clarified and stated that the owners would pay the costs. Councilman Cholock asked Solicitor Istik what if an owner wanted to buy a paper alley that had utilities on it. Solicitor Istik stated that any deed that a property owner takes over for a paper alley would have the inclusion, a right-of-way, that the Borough or utility company would have access to the paper alley for any repairs and that no paper alley can be blocked.
- Solicitor Istik stated that the remainder of her report will be regarding employee contracts and they will need to be discussed in Executive Session.

Tax Collector’s Report:

Borough Manager Landy read the following report for the month of October 2019:

Property Taxes	\$6,129.81
Supplemental Taxes	\$ 0.00
Per Capita Taxes	<u>\$ 480.00</u>
Total Collected	\$6,609.81

Borough Manager’s Report:

Borough Manager gave the following report:

- Borough Manager Landy thanked Councilwoman Ruszkowski and Councilwoman Bailey for helping in the office while Sharon was on vacation.
- Mr. Landy and Councilman Phillabaum held several meetings regarding waste water treatment with staff, management company. Looking at other management companies.
- Meeting at Falcon’s Club parking lot regarding installing an additional line for stormwater. Mike Barrick from Hunt Valley Engineering prepared a grant. There are 2 grants proposed. One for near the Falcon’s Club and the other on Warden Street.
- Had budget meetings with the Finance Committee.
- Received a call from a gentleman that purchased a home on Main Street regarding a yellow line painted in front of the home which is approximately 30’ long. He has requested it be corrected to the required guidelines of 15’. Borough Manager Landy stated that they will be fixing it.
- Will be putting the contract together for the street paving and getting it sent out.
- Been approached about updating the Borough map. The last one was done in 2014.

- Borough Manager Landy asked all Council to please review the profit & loss budget vs. actual.

President's Report:

A Motion was made by Councilwoman Ruszkowski to approve the Business District Authority use of Veteran's Park Gazebo Area and to close Union Alley from Diamond Street to the beginning of the Diamond Mini Mall parking lot and S. Diamond Street from Washington Street to Main Street Route 31 from 10:00am to 3:00pm on November 30, 2019. Also, to waive the requirements of a Transient Business Permit for food vendors for the length of the event. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

Property Report:

Councilman Smetak gave the following report:

- Councilman Smetak has a call in to Belinda Morris with Trident Insurance regarding the quote received from Sasso Construction for the damages to the synagogue. Also, met with Jeff McGuinness regarding the damages at the salt building and contacted 84 Lumber for a quote on 45 sheets of T-111.
- Has a call into Jim Suhan for the backflow preventatives to be done.

Waste Water Treatment Report:

Councilman Phillabaum gave the following report:

- Held several meetings with different companies regarding operating the Waste Water Treatment Plan. Borough Manager Landy believes that there are other opportunities for management for a lesser cost that will commit to more time than the current company that is contracted with the Borough. Councilman Phillabaum stated that to obtain an Operator's License you must have two (2) years of experience. Councilman Phillabaum stated that the waste water treatment employees have over a year and half experience combined; and, at this point the two (2) employees that the Borough has are more than capable of running the plant unless something drastic would happen and even so at that point you would call in someone else anyways. Councilman Phillabaum reported that they are speaking with a company and an individual. Both have the required licenses necessary to hang their license and be compliant with PA DEP. The individual that they spoke with would spend approximately 5 hours, 2 days per week, at the plant. He will be on call to help troubleshoot any issues. We have to give a written notice 90 days to terminate the Agreement with CWM Environmental.
- Held meetings with staff and cleared up some miscommunications. Things are moving forward.

Streets Report:

A Motion was made by Councilwoman Bailey to approve Resolution No. 2019-06 authorizing Council President Caruso to execute the Supplemental Agreement of the Winter Municipal Snow Removal Agreement with PennDOT for the 2019/2020 winter snow removal retroactive to October 29, 2019. Motion seconded by Councilman Cholock. Motion carried 8-0.

A Motion was made by Councilwoman Bailey to close Route 31 Main Street on December 4, 2019 from Braddock Road Avenue to Diamond Street from 6:30pm to 8:30pm for the 2019 Christmas Parade and Route 819 Diamond Street from Main Street to Washington Street on December 4, 2019 from 6:30pm to 10:00pm. Motion seconded by Councilman Cholock. Motion carried 8-0.

Storm Water Management Report:

Councilman Cholock reported that the Code Enforcement Officer has gone to Greenwood Apartments to inform them that they must have a third party verify that their detention pond is in compliance with the required Ordinances. Mr. Cypher, Borough Code Enforcement Officer,

notified Councilman Cholock that Greenwood Apartments stated that they would hire a third party to evaluate the retention pond and that they are hoping it would be completed within the next few weeks and a letter will be sent to the Borough.

Parks & Recreation:

Councilwoman Lasko gave the following report:

- Had discussions with Borough Manager Landy on which playground equipment to move; and, communicated with Councilwoman Bailey to organize when the Street Department would be able to help with possibly moving the equipment. Councilwoman Lasko stated she has a plan; it just may take a little time to execute. Will also be having Jeff McGuinness measure some areas at Jack Bobbs Park and Satcho Park and get an estimate to possibly put in some pea gravel.
- Discussed with Borough Manager Landy the possibility of having a Recreation Advisory Board. We have had three (3) calls from citizens regarding being involved with the Recreation Advisory Board.
- Councilman Cholock spoke to an electrician regarding the lights at the Frick Park Basketball Courts and they will schedule a time to meet.

Public Safety Report:

Councilwoman Ruszkowski read the following Fire Report for the month of October 2019:

Total Calls - 38
10-45's - 10
Entrapment Calls - 1
Fires - 13
Public Service Calls - 4
AFA's - 9
Stand-by's - 1
Drills - 0
Turnpike Calls - 2
Total Members Answering - 591
Avg. Member Per Call - 15
Total Staff Hours - 247

Veterans Park Report:

A Motion was made to amend the Agenda by Councilwoman Barnes to close Diamond Street from Main Street to Washington Street on November 11, 2019 from 10:30am to noon for the Veteran's Day Parade and Ceremonies. Motion seconded by Councilman Cholock. Motion carried 8-0.

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thanked Council and the Veterans Park Advisory Committee for the support with the new tablet along with the Commanders of the American Legion and VFW. She thanked the public for all of their support.

Councilwoman Barnes reported the following:

- There have been 12 more names added to the new tablet.
- Mr. Hutchinson attended the meeting. He has requested placing pavers with his unit on it. Councilwoman Barnes stated that they went to the park to see if it was possible. Councilwoman Barnes and Councilwoman Bailey both stated that there are pavers that are blank and can be lifted and replaced with the pavers that he purchases.

Councilwoman Bailey stated that it will work perfectly with what is already there. Mr. Hutchinson will pay whatever the costs are to have it done. He will be having veterans in to unveil it in June 2020. Mr. Hutchinson spoke with Mayor Lucia about attending the ceremony.

Human Resources / Ordinances Report:

Motion to advertise Amendment to Ordinance No. 652 Wireless Communications Facilities Ordinance was tabled for further discussion.

Finance & Grants Report:

A Motion was made by Councilwoman Bailey to pay Richard Kujawa \$325 for work on the Christmas decorations and decorating lamp posts and fence at Veterans Park. Motion seconded by Councilwoman Ruskowski. Motion carried 8-0.

Councilwoman Bailey reported that the finance committee and Borough Manager Landy have been working on the budgets. The Liquid Fuels Budget and Waste Water Treatment Budget is balanced. General Fund Budget is continuing to be worked on. Councilwoman Ruskowski stated that the Public Safety was able to cut approximately \$8,000.00 which helped tremendously. Borough Manager Landy has done a few other cuts to get it balanced. Borough Manager Landy stated that we do not have the figure for property income yet which can change things. Councilwoman Bailey reported that at this time all of the budgets are in balance until the final numbers come in from the County Tax Assessment Office, which usually come in around the 12th of November.

Councilwoman Ruskowski stated that she and Councilman Cholock have the budget for Medic 10 and will go over it with them at their next Board meeting. Councilwoman Ruskowski will present the final budget at the next Council meeting.

New Business:

Council President Caruso reported that there are no sponsors for the Council Christmas Dinner and Council members will have to pay for their own dinner. The Council Christmas Party will be held at Leo's Pub on Wednesday, December 11, 2019 at 6:30pm.

Reading of Communications:

Borough Manager Landy read the following communications:

- Received a flyer for the fair trade shopping event that will be held at the Church of God on Saturday, December 14, 2019 from 10:00am – 2:00pm. Free Admission. This is a fundraiser for the church.
- Received a thank you letter from the Library President for allowing them to participate in the Glass Festival and helping them celebrate their 80th birthday.
- Received a thank you letter from Standard Bank for doing business with them.

A Motion was made by Councilman Cholock to amend the agenda to hold an Executive Session regarding personnel. Motion seconded by Councilwoman Ruskowski. Motion carried 8-0.

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A Motion was made by Councilman Cholock to reconvene. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

Council President Caruso announced that Executive Session was held from 8:49pm – 9:20pm regarding contracts and personnel.

A Motion was made by Councilman Phillabaum to amend the agenda terminate the Agreement with CWM Environmental. Motion seconded by Councilwoman Ruskowski. Motion carried 8-0.

A Motion was made by Councilman Phillabaum to send CWM a termination letter giving a 90 day termination notice. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

Discussion and Payment of Bills:

A Motion was made by Councilwoman Bailey 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 Councilman Cholock to adjourn the meeting. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

Meeting Adjourned 9:24 pm.

Motions from Meeting of November 4, 2019

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