

**December 2, 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, Phillabaum, Smetak, Lasko, and Ruzkowski. Mayor Lucia and Solicitor Istik was present. President Caruso stated that a quorum is present.

President Caruso called for nominations to fill the First Ward Council Seat vacated by Matthew Yatsko. Councilman Phillabaum nominated Mr. James Wojnar. Councilwoman Barnes nominated Mr. Ralph Hribal. President Caruso called for a roll call vote to for the appointment of Mr. Wojnar or Mr. Hribal as Councilman of the Borough of Mount Pleasant to fill the vacancy of Councilman Yatsko:

Councilwoman Barnes	Mr. Hribal
Councilwoman Bailey	Mr. Wojnar
Councilman Phillabaum	Mr. Wojnar
Councilman Smetak	Mr. Wojnar
Councilwoman Lasko	Mr. Wojnar
Councilwoman Ruzkowski	Mr. Wojnar
President Caruso	Mr. Wojnar

James Wojnar was appointed by a vote of 6 to 1 to fill the vacant First Ward Council Seat. Mr. Wojnar was sworn in by Mayor Lucia.

A Motion was made by Councilwoman Ruzkowski to approve the minutes of November 18, 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 small cell technology. Ms. Pritts asked Council to put a hold on all cell tower installations on the rollout of 4G and 5G until there is an independent evaluation of the impact that the towers have regarding being harmful and the possibility of causing cancer.

**Speakers: None.**

**Mayor’s Report:**

Mayor Lucia gave the following report:

- Mayor Lucia reported that there have been vehicles broken into. He asked that all residents do not keep personal items in their vehicles and to keep them locked. Mayor Lucia also said that with the holidays approaching, if you are having packages delivered, please try and have someone at home to get them or have someone pick them up for you to prevent them from being stolen.
- Mayor Lucia reported that the nativity light up night was successful until the storm quickly approached. Treats were not able to be handed out. They will be handed out the night of the Christmas Parade.
- Mayor Lucia thanked the Business District Authority for their annual cookie tour and stated that it was a great success. He also stated that the Historical Society takes part in several of the events. The DAR will be celebrating with their Christmas Tree displays.
- The Christmas Parade will be held Wednesday, December 4, 2019 at 6:30pm. Santa will be at the Gazebo.
- Mount Pleasant Police Department will be participating in the Walmart Shop with a Cop on December 16, 2019 at 1:00pm. State Police will also be participating.

**Solicitor’s Report:**

Solicitor Istik gave the following report:

- Solicitor Istik stated that her report will be held in Executive Session.

**Tax Collector’s Report:**

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

Property Taxes	\$1,135.19
Supplemental Taxes	\$ 0.00
Per Capita Taxes	<u>\$ 580.00</u>
Total Collected	\$1,715.19

**Borough Manager’s Report:**

Borough Manager gave the following report:

- Please review the Profit & Loss Budget vs. Actual. Borough Manager Landy stated that the Borough is down \$10,000.00 due to tax appeals. Fee Schedules may need to be adjusted.
- Interviewed a candidate for the Public Works position. The public works person will be an all-around handy man. By having the public works employee, this will alleviate having to pull from the Street Department or Waste Water Department when they have other things that they should be doing. He will begin January 2, 2020.
- Had an issue in the Police Station bathroom with broken pipes. Had to have an electrician and contractor come in and replace the wall with drywall and the electrical wires and outlets.
- Held a preconstruction meeting with Liberoni Construction for the paving contract for the upcoming year.
- Spoke to MAWC regarding the water problem on Eagle Street. Spoke with Bob Regola regarding the issues also. He contacted the Chairman of MAWC, stated he was unaware of the problem; and, they will be looking into it. Borough Manager Landy and Mayor Lucia have both spoke with the manager of MAWC. Borough Manager Landy stated he believes that they will look into this and something will now be done. Borough Manager Landy stated that they had told MAWC that they want them to fix the lines and repave Eagle Street. Councilwoman Lasko asked if they could invite MAWC to attend a meeting to answer questions.
- Penn Park was built with grant money from the County now the Borough must maintain it. Borough Manager Landy would like to do sponsorship for the benches and the poles at Penn Park. He proposed \$350.00 to sponsor a bench and \$600 to sponsor a pole. Councilman Phillabaum asked if the “eyesore” at Penn Park is going to be removed. Borough Manager Landy stated that he had a meeting with the Secretary of the Department of Transportation. She had given a grant to the Borough previously for the stormwater lines; however, she is not going to hold the position after the 1<sup>st</sup> of the year. Borough Manager Landy stated he will have to contact someone new regarding the issue. Borough Manager Landy reported that the Governor has been invited to the G-17 conference in April. If he attends, Mr. Landy will take him to Penn Park and show him what they did to build the park and what it looks like and then show him the issue with the control box being right in front of it.
- Borough Manager Landy, Councilwoman Bailey and Council President Caruso attended a stormwater seminar at WCCC. A gentleman from Senator Ward’s office discussed stormwater and how to get funding for stormwater. Borough Manager Landy invited him to the G-Conference and he will be attending. G-Conference will be held April 24 and 25, 2020.

- A new company, Bergman, has come in and done the asset valuation for the Borough buildings and property. Industrial Appraisal wanted \$7,000.00 to do the appraisal. Bergman will be approximately \$1,800.00.
- Christmas Parade is Wednesday, December 4, 2019 at 6:30pm.
- Candlelight Procession is Sunday, December 8, 2019 at 5:00pm.

**President's Report:**

A Motion was made by Councilwoman Bailey to Extend Residential Garbage Collection with Republic Services for 1 year as an option year from January 1, 2020 through December 31, 2020 with an increase of 8% to Commercial pickup. All other rates remain the same. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

A Motion was made by Councilwoman Lasko to approve 2020 Council Meeting Schedule. Motion seconded by Councilman Wojnar. Motion carried 8-0.

A Motion was made by Councilwoman Bailey to approve 2020 Holiday Schedule. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

A Motion was made by Councilwoman Ruszkowski to reappoint Richard Cholock to the Mount Pleasant Civil Service Board for a 4-year term expiring on December 31, 2023. Motion seconded by Councilwoman Bailey. Motion carried 8-0.

A Motion was made by Councilwoman Bailey to reappoint Beau Chatfield to the Mount Pleasant Civil Service Board for a 6-year term expiring on December 31, 2025. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

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A Motion was made by Councilman Smetak to appoint Ashleigh Daniels to the Mount Pleasant Business District Authority for a 3-year term expiring on December 31, 2022. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

A Motion was made by Councilwoman Bailey to permit Council to enter into negotiations with Crown Castle for the installation of a Wireless Communication pole, pursuant to the ordinance and renegotiate new contract with Extenet. Motion seconded by Councilman Phillabaum. Motion carried 8-0.

A Motion was made by Councilwoman Ruszkowski to hold an Executive Session regarding personnel, contracts and legal. Motion seconded by Councilwoman Bailey. Motion carried 8-0.

A Motion was made to by Councilwoman Bailey Reconvene. Motion seconded by Councilwoman Barnes. Motion carried 8-0.

Council President Caruso announced that Executive Session was held from 7:43pm – 8:21pm regarding personnel, contracts and legal.

### **Property Report:**

Councilman Smetak gave the following report:

- Tuesday, December 10, 2019, Councilman Smetak, Councilwoman Lasko and Councilwoman Barnes will be going to the Synagogue building and the salt building at the street department to decide if they want to replace half or the whole roof on the Synagogue building. They were allotted \$17,002.49 with a \$2,500.00 deductible. The quote from Sasso Construction for the entire roof at the Synagogue was \$14,500.00. The remaining balance would not cover the cost to repair the T-111 on the outside of the salt building and the damage to the roof of the street department building. Replacing half of the roof on the Synagogue would cost \$8,500.00 and would allow the Borough to complete the damages at the street department.
- Borough Manager Landy reported on the bathroom damages at the Police Department. There was a pipe that had rotted and had been leaking and flooded the bathroom. The wall was soft and the electric was shorting out. An electrician and plumber had both been called in. Due to it being an emergency, they had to move quickly. There was a lot of work that had to be done. The plumbing and electric have been repaired. The walls are being replaced.

### **Waste Water Treatment Report:**

A Motion was made by Councilman Phillabaum to execute a 1-year contract with Glenn Fodor at an annual rate of \$8,000.00 for 2 hours a week to operate the waste water treatment plant commencing January 1, 2020. Motion seconded by Councilwoman Bailey. Motion carried 8-0.

Councilman Phillabaum stated that Mr. Fodor operates the sewage plant at Hidden Valley. He will be at the plant 2 days a week for approximately 1 hour each day. The contract is a month-to-month contract. Councilman Smetak asked if he was familiar with bio-towers. Councilman Phillabaum stated that he was and that he has toured the plant.

Borough Manager Landy stated that the Borough is currently paying \$1,500.00 per month to CWM Environmental to operate the plant.

### **Streets Report:**

Councilwoman Bailey gave the following report:

- Attended a stormwater seminar at WCCC sponsored by Senator Kim Ward with Borough Manager Landy and Council President Caruso. They discussed the many different grants available and ways to get funding for stormwater issues.
- Attended the Business District Authority Annual Cookie Tour. It was a great success. Business owners were happy with the turnout that they had.
- Held a preconstruction meeting with Liberoni Construction, the Engineer and Mr. Regola. They are looking at a projected start date of January 2020. They will do the infrastructure first, beginning with trenching for stormwater lines and sewage lines.
- The Parking Authority agreed to the purchase of a triaxle load of salt at a cost of approximately \$1,600.00 for plowing the parking lots. All of the parking lots will be plowed after all streets have been completed.

**Storm Water Management Report:           None.**

**Parks & Recreation:           None.**

**Public Safety Report:**

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

Total Calls - 46  
10-45's - 15  
Entrapment Calls - 2  
Fires - 12  
Public Service Calls - 4  
AFA's – 14  
Stand-by's – 2  
Drills – 0  
Turnpike Calls – 1  
Total Members Answering - 783  
Avg. Member Per Call - 17  
Total Staff Hours – 372

**Veterans Park Report:**

Councilwoman Barnes thanked Council members that are on the Veterans Park Committee and to the Advisory Committee for all of their hard work this past year.

**Human Resources / Ordinances Report:**

A Motion was made by Councilwoman Ruszkowski to adopt Ordinance No. 656 setting the 2019 millage rate at 17.5 mils. Motion seconded by Councilwoman Bailey. Motion carried 8-0.

A Motion was made by Councilwoman Ruszkowski to hire Jessie Jones as a part-time employee at the rate of \$14.00 per hour pending physical and drug test. Background check has been completed. Motion seconded by Councilwoman Lasko. Motion carried 8-0.

**Finance & Grants Report:**

A Motion was made by Councilwoman Bailey to approve the 2020 General Fund Budget, 2020 WWT Budget, 2020 Liquid Fuels Budget and 2020 Medic 10 Budget. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

A Motion was made by Councilwoman Bailey to authorize Borough Manager Landy to pay all invoices through January 2, 2020. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

**New Business:**

Borough Manager Landy reported that New Stanton Borough in conjunction with PA State Association of Boroughs invited the PA Municipal Planning Education Institute's to teach "The Course in Community Planning". They will be holding a 3-evening class on 3 Wednesdays in January 15, 22, and 29, 2020 with a snow make up day on February 12, 2020. Class will run from 6:00 PM to 9:30PM at the New Stanton Borough Building, 318 Paintersville Road, Hunker, PA 15639. Cost is \$95 per person.

Representative Walsh has sent a termination letter for his lease due to winning the election as Judge. It expired at the end of December 2019. Mr. Walsh is going to recommend that they keep the office in Mount Pleasant.

**Reading of Communications:**

Borough Manager Landy read the following communications:

- PSAB will be holding their annual conference June 7 – 10, 2020 at the Hershey Lodge.

**Discussion and Payment of Bills:**

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

**Public Comment:**

Andrea Pritts questioned if a new Agreement has been made with Extenet. Solicitor Istik stated that no new agreement has been approved. The motion that was made was only to enter into negotiations. Ms. Pritts also asked if Council still plans on making revisions to Ordinance No. 652 Wireless Communications Facilities Ordinance. Solicitor Istik stated that they are not this evening.

Amy Basel of 760 W. Smithfield Street, Mount Pleasant PA asked when Council states that they are in negotiations does this mean how much money the Borough will receive, the location, the distance from residences, what are the negotiations? Solicitor Istik stated that these are not negotiations where the Borough makes a lot of money. The only money the Borough will collect are for the Zoning Application Fee. Solicitor Istik cited Section 332 of the Telecommunications Act of 1996, which regulates the wireless antennae's, the "no state or local government from regulating the placement, construction, and modification of wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Commissions regulations concerning such emissions". Solicitor Istik stated that there are Council members with the same concerns; however, the government regulates what can and cannot be done.

Ms. Basel asked if surrounding neighbors need to be notified if the cell tower is installed. Solicitor Istik stated that Crown Castle will send out notifications, which will be a letter indicating where the pole will be located and the antenna will be on it. However, they are not required to notify them nor are they required to have permission from surrounding neighbors to install it. They are a public utility company. Solicitor Istik advised that they speak with their legislators. They are setting these laws.

Ms. Basel asked since the Borough Ordinance states 100 feet from a residence can the company be held to that. Solicitor Istik stated that we cannot regulate a public utility when it is in a right of way. The Borough cannot hold them to the 100 feet due to them being a public utility company and it is in a right-of-way according to Section 332 of the Telecommunications Act.

Ms. Pritts asked Solicitor Istik how are other municipalities saying no to this and if they are required to follow Section 332 of the Telecommunications Act, why are they still not permitting cell towers. Ms. Istik stated that the municipalities end up being sued by the companies and costing tens of thousands of dollars that ultimately end up costing tax payers with higher taxes. Ms. Istik stated that members on Council have the same concerns as she does.

Borough Manager Landy stated that when it is a public utility within a right of way, the Borough cannot control it.

**Miscellaneous and Adjournment:**

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

**Meeting Adjourned 9:24 pm.**

**Motions from Meeting of December 2, 2019**

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President Caruso	Mr. Wojnar

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