

## Meeting March 24, 2008

The meeting of Mount Pleasant Borough Council was called to order by President Tabita at 7:02pm in Council Chambers at 1 Etze Avenue, Mount Pleasant, PA 15666. The Pledge of Allegiance was said and there was a moment of silence for our deployed troops. President Tabita directed Borough Manager Jeff Landy to take roll. Councilmen Beranek, Crivella, Tate, Wiltrout and Councilwoman Stevenson were present. Mayor Lucia and Solicitor Toohey were present. President Tabita stated we have a quorum. Councilman Bauer arrived at 7:20pm.

### Reading of Previous Minutes:

A motion was made by Councilman Beranek to dispense with the reading of the minutes of March 3, 2008. Motion seconded by Councilman Crivella. Motion carried 6-0.

### Speakers:

Doug Hauser of the Mount Pleasant Business District Authority spoke to Council regarding the sale of the In Town Shops. Sherry Wingrove of the BDA has been contacting realtors and is unable to find a realtor who is willing to represent the Borough in the sale. Also, the BDA has not gotten a release letter from Westmoreland Co. for the Housing Grant. Mr. Hauser said that the grant has been satisfied according to the BDA auditor and they are waiting for a letter of release. Councilman Crivella suggested to Mr. Hauser that when he calculates the "break-even" number he should factor in 10% for commercial property. Take a picture of the building and advertise in the Pittsburgh Business Times that the BDA is selling it and hopefully an interested realtor will contact the BDA or perhaps even a buyer. The cost of the ad should not be significant. Mr. Hauser said that Susan Dickson Houser has been working as a volunteer one day a week for the BDA. Ms. Dickson is having difficulty marketing the In Town Shops to prospective businesses because of the pending sale. Councilman Crivella asked Solicitor Toohey if the buyer would have to honor the existing leases. Solicitor Toohey said that is conditioned upon the terms of the lease. Councilman Crivella said that leases should not be a deterrent to the sale, but instead should be part of the value of the property. Mr. Hauser said that the restaurant in the building is on a month-to-month basis but they would like a longer lease. President Tabita said that he feels a restaurant occupying 1/3 of the building may not be the best use of the property. President Tabita said that he feels the restaurant should be put back to its original size and the BDA should rent to more retail shops. President Tabita said that the smell from the restaurant may deter other businesses from renting space. Councilwoman Stevenson agreed that if the intention of the property is an incubator that the restaurant will not incubate out. Mayor Lucia said that the restaurant pays the highest rent and there are still other vacant spaces. Councilman Tate asked Mr. Hauser if any tenants have been turned away due to lack of space because of the restaurant. Mr. Hauser said no. Councilman Crivella asked if the building has been marketed to internet sale businesses that do not require walk in traffic. President Tabita suggested small shops selling antiques and collectibles with a central register in the front. Councilwoman Stevenson said that in that case it would be beneficial to have some sort of restaurant in the building, perhaps more of a coffee shop. Mr. Hauser said that if it is Council's wish the BDA will advertise in the Pittsburgh Business Times. Councilman Crivella offered his assistance in placing the ad.

### Mayor's Report:

Mayor Lucia said that the two new part-time police officers are doing very well.

Mayor Lucia said that Mount Pleasant lost two of its long-time residents and business owners. Pete Cavezza, owner of the Wallpaper and Paint Store and Panford DiNicola, owner of the Roma Room. Council had a moment of silence for these two gentlemen.

Mayor Lucia said that the weather is getting better and activities at Frick Park will begin soon. There have been some acts of vandalism at the park and the police schedule will be adjusted to provide more coverage.

Councilman Crivella said that recently on a Friday evening at 8:30pm or 9:00pm he was coming into Mount Pleasant from Rte 119 and saw our police vehicle at the car lot outside of town. The car lot is located in the Township and he is wondering why our police were sitting there.

Councilman Bauer said he would like the Township clean up the hillside at the first light when you come into town. It is unsightly and not a very good first impression of Mount Pleasant. Councilman Crivella said he would have the Street Department check the area weekly for trash. Mayor Lucia said that it is a state highway and we should talk to Penn Dot. President Tabita said that the Borough has been maintaining that area. Councilman Bauer said he would like Penn Dot to put stone or vine on the hillside. Borough Manager Landy said he will call Penn Dot and see what they would be willing to do. Councilman Bauer suggested a block wall

around the Mount Pleasant sign with a light shining on the sign. Mr. Landy said he will speak to the owner of the building near the sign and ask if the Borough can tap into his electric for a light.

**Solicitors Report:**

Solicitor Toohey presented Council with a revision to Medic 10 By-Laws authorizing Medic 10 to have paid staff and giving the Borough the exclusive authority to hire and fire independent contractors as well as employees.

A motion was made by Councilman Bauer for an Executive Session to discuss litigation. Motion seconded by Councilman Crivella. Motion carried 7-0.

**Executive Session 7:30pm to 8:12pm.**

Solicitor Toohey updated Council on the Gormley and DiNicola properties. The Gormley property is in a state of disrepair and Mrs. Gormley has been served notice of demolition. If the Borough wants to spend its own money to demolish the building it can. We can also consider having the engineer go out and do specs for any supporting wall issues. If borough money is used a lien can be placed on the property of any cost incurred. Mr. Toohey said that right now the property listed as a tax sale but he received a call from the Westmoreland Tax Claim office that they are reinstating the judicial sale. When a property is sold as a judicial sale all tax liens are divested and any claim the Borough had on the property would be wiped out. The decision is with Council on whether we want to utilize borough funds to demolish the property and whether we want to pursue the Property Maintenance violation under the ordinance and site the property owner with a fine of up to \$600 per day.

The DiNicola property was scheduled for demolish by the county but there was a lien holder from Texas who will not consent to the demolition. Going to court for authorization to go around that process is still a consideration. The Borough also has to the option of using Borough funds to demolish the property but would not have the same consent issues. In both the Gormley and DiNicola properties the Borough would not own the property after demolition but would have liens on the properties. Mayor Lucia questioned whether we can go forward with imposing fines on the properties under the Property Maintenance Code and Mr. Toohey said that Code Inspector Mark Stanton can institute citation proceedings. President Tabita asked Mr. Toohey if he knew of anyone we could speak to regarding the DiNicola property who might want to avoid the citation procedures by allowing us to demolish the property at no cost to them. Mr. Toohey said that he and Mr. Landy could contact the lien holder who may be willing to sign things today that they wouldn't have six months ago. Mr. Toohey said that the county is still willing to work with the Borough on the DiNicola property. The Borough could also begin court proceedings by serving the lien holder and putting a deadline on them to come forward and appear in court and explain why they will not consent to the demolition. One of the banks involved wants the Borough and the BDA to waive all liens on the property.

Council instructed Solicitor Toohey to go forward with Mr. Stanton on the citation process under the Property Maintenance Code Ordinance for both the Gormley and DiNicola properties. Council also instructed Solicitor Toohey to begin the court petition on the DiNicola property after first calling the lien holder to try to avoid any litigation.

Councilman Crivella said he has a problem with a property on Parkview Terrace down from CVS Pharmacy. It is in an R1 Zone and the owners have multiple vehicles parked on the property and on the street affecting the value of the other homes nearby. Mr. Toohey said that when the current owners purchased the property Council looked into the issue of whether that type of use could be in an R1 Zone. We found out that the type of individual being serviced in that home makes the use unique under the federal anti-discrimination laws and the Borough can not discriminate and prohibit that type of use. Mayor Lucia said that there is no parking on either side of the street on Parkview Terrace and Police Chief Ober asked the owners to see if CVS Pharmacy would allow them to use their parking lot when they have these meetings. Mayor Lucia will follow up with Chief Ober and see what was decided. President Tabita said that Council can look into an enacting an ordinance limiting the number of these types of homes in one area.

**Treasurer's Report:**

Borough Manager Landy read the following Treasurer's Report for the month of February 2008:

**Mt. Pleasant Borough Treasurer's Report:**

**Feb-08**

Previous Balance	Deposits	Disbursements	Balance
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General Fund Checking	PNC 001223513	52,742.00	224,225.28	225,223.28	51,744.00
General Fund Sweep	PNC 11493394	390,282.64	48,573.34	149,879.33	288,976.65
General Fund Budgetary Reserve	PNC 10-2457-4388	0.00	100,368.44	0.00	100,368.44
Total General Fund Balance					441,089.09
WWT Operational Acct	Standard Bank 0320012280	261,664.78	80,832.89	53,919.09	288,578.58
WWT Certificate of Deposit		150,000.00	0.00	0.00	150,000.00
WWT Budgetary Reserve	Standard Bank 287245	50,000.00	140.33		50,140.33
Total WWT Balance					488,718.91
Liquid Fuels PLGIT	PLGIT 56980126	71,648.93	198.83	0.00	71,847.76
Monument CD	Standard Bank 242781	5,435.94	0.00	0.00	5435.94
Holiday Lighting Fund	Standard Bank 050004849	256.98	0.05	0.00	257.03
Payroll Fund	PNC 01226415	1,299.60	48,642.36	48,662.44	1,279.52
Recreation Account	Standard Bank 5003289	1,902.56	0.38	0.00	1,902.94
Veterans Park Fund	National City 981293700	8,284.25	75.00	15.56	8,343.69
Veterans Park PLGIT	PLGIT 5698025	10,948.27	30.38	0.00	10,978.65
Police Drug Enforce.	PNC 1012912642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	609.52	0.12	0.00	609.64
					29657.91

Respectively Submitted:

Councilwoman Chris Rega

1,031,313.67

Borough Manager Jeffrey Landy

A motion was made by Councilwoman Stevenson to accept the February 2008 Treasurers Report as read. Motion seconded by Councilman Tate. Motion carried 7-0.

Mr. Landy said that the accounts show healthy balances and the plan of the last couple of years seems to be working and we should be ok. With tax revenue starting to come in the bank accounts should be replenished.

### **Presidents Report:**

President Tabita said that a couple of properties on Main Street were identified as unique challenges for our Main Street Street-Scape Project. The project should be ready to be put out to bid within the next three or four weeks. That should mean bidding some time in May and awarding sometime in June with construction beginning in August.

Mr. Landy said that he had a conversation with Leo Wiesnewski regarding using the new borough logo for Leo and Sons Grille 31. He said that he understood Leo wanted to use the inside of the logo and put his name around the outside. Council agreed that he could use the logo but only in its entirety. Councilman Beranek said that if the logo is not trademarked there is no way for us to stop him using it in any way he wants. President Tabita said that Mr. Wiesnewski is asking as a courtesy. He will bring Council a proof to approve before he begins using it.

A motion was made by Councilman Crivella to authorize Solicitor Toohey to trademark the Borough logo. Motion seconded by Councilwoman Stevenson. Motion carried 7-0.

Councilman Tate would like to see the plans for the grease traps at Leo and Sons Grille 31 so that our engineers can approve them.

### **Borough Managers Report:**

Borough Manager Landy made the following report:

- Dave Essig of Allegheny Power said that they have begun changing the lights on Main Street. The light at R & R Restaurant has been changed and it is noticeably brighter.
- AED training will be at Medic 10 on Thursday March 27<sup>th</sup> at 6:30 for anyone wishing to attend.
- A meeting was held with himself, Mount Pleasant WWT, Street Department, Mount Pleasant Township and the Westmoreland County Conservation District regarding the Shupes Run Bank Stabilization Project. The Borough has begun to order supplies and three or four trees need to be removed by the end of April. Mr. Landy instructed Street Supervisor Mario Fontanazza to contact Mount Pleasant Township for help in removing the trees.

- We have received the donated computers from the Mount Pleasant Area School District for the Premoshis Christmas Displays and they have been stored in the Synagogue. One of the computers will be used at the Street Department.
- Mr. Landy and Mayor Lucia attended a meeting with Penn Dot and reviewed the 2008 projects.
- Mr. Landy and WWT Supervisor Norman Stout attended a Penn Dot seminar in Greensburg to review the Rte. 819 project that will begin July 7, 2008 and should be complete by the beginning of September 2008. It will affect the Borough from CVS Pharmacy to Leo's Pub and there are a few manholes we need to correct.
- Mr. Landy and Mayor Lucia attended Senator Regola's Grant Workshop.
- They are putting up the fence around the well at the Little League Field and will complete the reclamation of the parking lot etc by Wednesday March 26<sup>th</sup>.

Councilman Bauer said that the Allegheny Power pole in front of Mount Pleasant Windows is leaning and he would like to see it replaced. Mayor Lucia said that it causes a problem with traffic on Main Street because trucks have to park three or four feet away from the curb to avoid the pole and traffic has cross the center line in order to get around the trucks and it could cause an accident. Mr. Landy said he would ask Allegheny power to replace the pole.

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

Councilman Tate made the following report:

- The new Bobcat purchased by WWT has been delivered.
- Council has a copy of the recent DEP inspection that shows that our WWT Plant passed all of the criteria.
- Allegheny Waste chose another location to process their leach water.
- There is a small block building at the WWT Plant that it would cost less to demolish and rebuild than repair. Supervisor Stout is proposing to build and 48' X 32' pole structure in its place. We will have our engineer draw up some plans to put out to bid.

### **Public Safety, Zoning & Ordinance Report:**

A motion was made by Councilman Bauer to adopt Resolution # 2008-01 waiving the required member contributions to the Police Pension for the calendar year 2008 only. Motion seconded by Councilman Beranek. Motion carried 7-0.

Councilman Bauer instructed Mr. Landy to forward the correspondence from Mullin & Lonergan to the Mount Pleasant Planning Commission.

Councilman Bauer said he and Mr. Landy have been attending a Zoning Seminar in Greensburg and have learned a great deal. He suggested that everyone on the Mount Pleasant Zoning Board attend a similar class. President Tabita asked Mr. Landy to pursue scheduling a class.

### **Street Report:**

Councilman Crivella said that possible streets to be paved include Shupe Street from N Diamond to Main, Center Ave from Washington to Warden Ave, Summit Street from Center Ave to Oak St. There are many alleys that are in very bad shape. One in particular is Columbus Way off of Kennedy Ave and alleys that run into it. Councilman Crivella said he will meet with a representative from Penn Dot for help in getting a cost to pave these streets and will have a better list for Council to look at.

Councilman Crivella asked Council to call Street Superintendent Fontanazza with any potholes or other problems they see on the streets. Once Mr. Fontanazza has access to email you can contact him that way.

Councilman Bauer asked the status of a new sealing buggy. Mr. Landy said that in 2007 he received estimates of \$45,000 for a new sealing buggy and he budgeted for that amount. Recently it was discovered that Penn Dot has an auction in Harrisburg soon and we can get a buggy for 1/3 third the cost of a new one. The money that can be saved could be used to pave the streets affected by this years CSO Project.

Councilman Bauer said it may be better to wait on any paving project until next year when we can put it out for bid in January and get lower bids. We should seal and patch this year. Councilman Crivella said that he feels we should get the cost of paving this year because the cost of asphalt will be much higher next year. Mr. Landy said the cost of asphalt is only one factor but the cost of labor could be reduced by requesting bids early in the year. Councilman Crivella said that Council can make that decision after viewing the cost. Mr. Landy said that the representative from Penn Dot is doing us a favor providing these costs and he may not be able to come back

and do it again next year. Councilman Crivella said it would benefit the Borough to train our own personnel to estimate the costs.

Councilman Crivella said that we should talk to other municipalities before we purchase equipment at auction to make sure we are not buying outdated equipment.

A discussion ensued regarding changes and repairs to various streets in the Borough. Councilman Bauer said that the white line for the turning lane onto Church Street from Main Street in front of PNC Bank needs to be moved back 20 feet so that vehicles turning from Church onto Main have more room. Mr. Landy was instructed to send a letter of request to Penn Dot.

**Finance Report:** None

**Property Report:**

A motion was made by Councilman Beranek to suspend the rules for a motion to have Widmer Engineering to review and evaluate the Gormley property for demolition and the liability exposure. Motion seconded by Councilman Wiltrout. Motion carried 7-0.

A motion was made by Councilman Beranek to have Widmer Engineering review and evaluate the Gormley property for demolition, liability exposure and securing a common wall. Motion seconded by Councilman Bauer. Motion carried 7-0.

Councilman Beranek said he received a phone call from Richard Johnson asking for an increase in salary because of the rise in gas prices and the driving he has to do to open all of the bathrooms in the summer months. Mr. Landy explained to Council that Mr. Johnson is paid for 14 hours a week and works less than that so he is actually making more than \$7.50/hr.

A motion was made by Councilman Beranek suspend the rules for a motion to give Richard Johnson a \$.50/hour increase. Motion seconded by Councilman Crivella. Motion carried 7-0.

A motion was made by Councilman Beranek to give Richard Johnson a \$.50/hour increase effective 3/30/08. Motion seconded by Councilman Crivella. Motion carried 7-0.

Councilman Beranek said that Police Officer Santmyer was complimented on his courtesy and awareness by a local business person.

**Business/Economic Development & Contracts Report:**

Councilman Wiltrout said the following locations have been selected for recycling bins in the Borough:

- N & N Store
- Mount Pleasant Borough Maintenance shed
- Mount Pleasant Borough Municipal Building
- Willows Park

There are two other tentative locations. The bins should be ready for use by May 1, 2008. Allied Waste try to put flyers in with their quarterly statements with information on the voluntary recycling program in the Borough and we will be putting some educational information in the Mount Pleasant Journal and the Daily Courier. The Borough can claim what is recycled and turn it into grant money. Levin Furniture has agreed to give the Borough credit for everything they recycle which will be 60 or 70 thousand pounds of material. This will result in an estimated \$7,000 worth of grant money just from Levins.

**Human Resource/Employee Contracts Report:**

Councilwoman Stevenson made the following report:

- Mr. Landy and her made considerable progress on the Employee Handbook.
- She attended the Library Board meeting. The Bill Gates Foundation has grant money available and the Library is working on getting some new computer equipment. They are working on raising ½ of the cost and the grant will provide the other half.
- At the next regular meeting of the Historical Society on April 10, 2008 there will be a New Member Event. There will be a speaker making a presentation on historical postcards and it will be an opportunity for anyone thinking of becoming involved with the Historical Society.

Councilwoman Stevenson said she has concerns about motorists going the wrong way on Eagle Street. Eagle Street is one-way and a couple of times a week someone goes up the wrong way. She suggested putting a stop sign on Eagle Street at Reservoir Street. President Tabita said that we could have the police monitor the situation.

Councilwoman Stevenson brought up the subject of the alley off of Quarry Street near Klocek Burial Vaults that is on the tax maps and whether or not it is a paper alley. She said that she was able to drive the length of the alley last Tuesday and Mr. Landy said when he and Mayor Lucia looked at the alley after Tuesday there is a dumpster blocking it. Mr. Landy said that the Borough has never maintained the alley even though it on our tax map. One of the residents uses the alley to get back to his garage. A neighbor sold his property and the new owner is claims that his survey shows that he owns half of the alley. Mr. Landy said he will show the alley on the map to Mario and ask him if the Street Department does any maintenance on it.

### **Recreation Report:**

A motion was made by Councilman Tate to organize a Women's Volley Ball League through Recreation. Motion seconded by Councilman Crivella. Motion carried 7-0.

Councilman Tate said that the Recreation Committee would like the part-time summer help in the Street Department budget to be used in the parks. Councilman Crivella said that he thinks the person should remain under Street Department supervision but work mainly in the parks. Mr. Landy recalled that when the summer help was initially hired Councilman Crivella agreed that the money would come from the Street Department budget but the person would work for Recreation because the Street Department personnel did not have the time to maintain the parks. Last year his was under the supervision of the Street Department but Councilman Slater would like some say in what work is done in the parks. Councilman Crivella said that if the money is coming from the Street Department then the person should be supervised by the Street Department and that it would be difficult to have more than one person scheduling the use of the Street Department equipment. Council agreed that Councilman Slater can decide what work he would like to see done and Supervisor Fontanazza can schedule the employee.

Councilman Tate said that he and Mr. Landy were at Premier Video and one of the surveillance cameras is hooked up. The camera is so powerful that it can zoom in to read the names on Veterans Wall. It is very impressive. Council can stop into Premier Video and get a demonstration if they would like.

President Tabita said that he would like all cell phones to be turned off or put on vibrate at future council meetings so that there are less interruptions.

### **New Business:**

A motion was made by Councilman Crivella to hire intern Amy Shields. Motion seconded by Councilman Wilttrout. Motion carried 7-0.

### **Reading of Communications:**

Borough Manager Landy read the following communications.

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

A motion was made by Councilman Bauer to pay all authorized and approved bills. Motion seconded by Councilman Tate. Motion carried 7-0.

### **Miscellaneous and Adjournment:**

A motion was made by Councilman Bauer to adjourn the meeting. Motion seconded by Councilman Tate. Motion carried 7-0.

### **Motions from March 24, 2008 Meeting**

A motion was made by Councilman Beranek to dispense with the reading of the minutes of March 3, 2008. Motion seconded by Councilman Crivella. Motion carried 6-0.

A motion was made by Councilman Bauer for an Executive Session to discuss litigation. Motion seconded by Councilman Crivella. Motion carried 7-0.

A motion was made by Councilwoman Stevenson to accept the February 2008 Treasurers Report as read. Motion seconded by Councilman Tate. Motion carried 7-0.

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A motion was made by Councilman Beranek to have Widmer Engineering review and evaluate the Gormley property for demolition, liability exposure and securing a common wall. Motion seconded by Councilman Bauer. Motion carried 7-0.

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