

Meeting April 21, 2008

The meeting of Mount Pleasant Borough Council was called to order by Vice-President Bauer at 7:03pm 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. Vic-President Bauer directed Borough Manager Jeff Landy to take roll. Councilmen Beranek, Crivella, Tate and Councilwoman Stevenson were present. Mayor Lucia and Solicitor Toohey are present. Vice-President Bauer stated we have a quorum.

Reading of Previous Minutes:

A motion was made by Councilman Tate to dispense with the reading of the minutes of April 7, 2008. Motion seconded by Councilman Crivella. Motion carried 5-0.

Public Comments:

David Gelzheiser, College Avenue asked Council if there has been any decision made about the bamboo on his neighbor's property. He has asked Council several times to get his neighbor to remove the bamboo. Mr. Gelzheiser also wants to know if he is allowed to park in the handicapped parking spot near his residence since he has a handicapped plate on his vehicle. Solicitor Toohey said that the handicapped parking sign was paid for by another resident and according to Mount Pleasant Borough Ordinance # 512 that space is reserved for that resident. Mr. Gelzheiser can apply for his own handicapped his space. Mr. Gelzheiser said that Penn Dot told him that handicapped spaces are for the use of anyone who has a handicapped plate or placard. Solicitor Toohey said that on Penn Dot's website it says that if a person with a handicap desires a handicapped parking space at their residence they can apply for one from the municipality where they reside and then that space is reserved for their use only. State law also states that a handicapped person can apply to their municipality for a handicapped space to be reserved for that person. Solicitor Toohey cited the City of Pittsburgh as an example and said that they have ruled that no handicapped space is reserved for one person's private use. Councilwoman Stevenson said she feels that our ordinance is very clear and we would have to amend the ordinance to allow Mr. Gelzheiser to park in that handicapped space. Mr. Toohey said that if there is a state law that speaks to the same issue it would preempt the Borough's ordinance. Councilman Tate said that the resident paid for the sign so that she can park in front of her residence because she is handicapped. If Mr. Gelzheiser needs a handicapped space in front of his home he can apply for one. Councilwoman Stevenson questioned why there should be a fight over the present handicapped spot when Council is willing to accept an application for another spot. Vice-President Bauer agreed.

Vice-President Bauer said that last week he walked College Avenue and was appalled by how much bird feces was on the sidewalk in front of the house with the bamboo. Solicitor Toohey said that he and Mr. Stanton discussed this issue. There was a similar case prosecuted in Lancaster County in 1998. The court in that particular case where it was found that there was an odor, attracted birds, rodents and vermin the bamboo was in violation of the maintenance code. Mr. Gelzheiser said that all of these are issues at his neighbor's property in Mount Pleasant.

Solicitor Toohey said that there would have to be a citation issued citation citing the Property Maintenance Code. Mark Stanton, Code Administrator, said that a five-day notice would have to be given and the notice would have to include the right to file an appeal with the Board of Appeals. After the notice a citation would be issued and the Magistrate would hear the case and would make a finding of guilty or not guilty and then that would be appealable by either side to the Court of Common Pleas in Westmoreland County. That could result in a trial and the outcome of that could result in a further appeal all the way up to the Commonwealth Court. If that process does not yield a result there are other court approaches that the Borough could consider. Councilman Crivella asked if five days go by after the notice and she files an appeal can the Borough go in and cut it down. Mr. Stanton said that we could not cut it down during the appeal process. Mr. Toohey said that if the health hazard is an urgent one the Borough can go before the appeals board. The Property Maintenance Code calls for a separate appeals board and the Borough can designate the Council of Governments as its appeals board or Council can have a local board. Councilman Tate said that it would be best to use the Council of Governments board to make it impartial.

A motion was made by Councilman Tate to have Mark Stanton proceed with the citation process for 340 College Avenue, Mount Pleasant PA 15666. Motion seconded by Councilwoman Stevenson. Motion carried 5-0.

Speakers:

Mark Stanton, Municipal Code Inspections Inc. addressed Council with these issues:

- Providing Property Maintenance Code services. The fee would be \$35.00 per hour billed to the Borough. Mr. Landy asked Mr. Stanton if they would come in and canvas the entire Borough at the start of the process and Mr. Stanton said we would have to give him a list of properties. Most communities base the list on complaints by residents. There will be no set contract that the Borough would have to commit to. Councilman Crivella asked for clarification of the process. Vice-president Bauer said that the Council has been wanting to enforce the Property Maintenance Code and council members have been canvassing the Borough looking at properties. But Vice-president Bauer does not feel it is council's job to cite certain properties. An outside impartial organization should be brought in. Municipal Code Inspections is in the business of inspecting properties and can do the job. Council agreed that they would provide Mr. Stanton with a list of properties to start with.
- Municipal Code Inspections can no longer do rental inspections for \$15.00 which is what is specified in the borough ordinance. Mr. Stanton presented Council with a list of fees from other municipalities. Mr. Stanton also suggested that the rental inspections be added to the Property Maintenance Code Ordinance. Councilman Bauer said that he would like to see landlords follow the Property Maintenance Code and register their rental properties through a Landlord Association. Mr. Stanton said he would provide Council with examples of Landlord Ordinances from other communities.

A discussion ensued about what direction to take in regards to a property maintenance board of appeals and whether to use a local board appointed by council, the Mount Pleasant Zoning Board or the Council of Governments board.

A motion was made by Councilwoman Stevenson that the Borough authorize Municipal Code Inspections to be the inspector for the Property Maintenance Code and that temporarily we will use the Central Westmoreland Council of Governments as the board of appeals for citations issued by Municipal Code Inspections. Motion seconded by Councilman Beranek. Motion carried 5-0.

Solicitors Report:

A motion was made by Councilman Tate for an Executive Session for police personnel. Motion seconded by Councilman Crivella. Motion carried 5-0.

Executive Session 7:50pm to 8:41pm.

Mayor's Report:

Mayor Lucia said he is still getting complaints about juveniles from people who walk the park regarding language and threats. The police are patrolling the park and parents should know where their children are. There will be a list of young people who do not cooperate with our police. Mr. Landy said that the new parks ordinance addresses malicious loitering. Councilman Beranek said that the fountain in the corner of the park is being used as a ramp and should be removed.

Treasurer's Report:

Borough Manager Landy read the following Treasurers Report for the month of March 2008:

Mt. Pleasant Borough Treasurer's Report:		Mar-08			
		Previous Balance	Deposits	Disbursements	Balance
General Fund Checking	PNC 001223513	51,744.00	155,749.76	154,342.76	53,151.00
General Fund Sweep	PNC 11493394	288,976.65	76,761.50	53,907.50	311,830.65
General Fund Budgetary Reserve	PNC 10-2457-4388	100,368.44	395.30	0.00	100,763.74
Total General Fund Balance					465,745.39
WWT Operational Acct	Standard Bank 0320012280	288,578.58	64,363.21	50,603.10	302,338.69
WWT Certificate of Deposit		150,000.00	0.00	0.00	150,000.00
WWT Budgetary Reserve	Standard Bank 287245	50,140.33	102.47		50,242.80
Total WWT Balance					502,581.49
Liquid Fuels PLGIT	PLGIT 56980126	71,847.76	158.66	10,501.09	61,505.33
Monument CD	Standard Bank 242781	5,435.94	0.00	0.00	5435.94
Holiday Lighting Fund	Standard Bank 050004849	257.03	0.05	0.00	257.08

Payroll Fund	PNC 01226415	1,279.52	47,314.51	47,317.71	1,276.32
Recreation Account	Standard Bank 5003289	1,902.94	0.40	0.00	1,903.34
Veterans Park Fund	National City 981293700	8,343.69	0.00	1,415.00	6,928.69
Veterans Park PLGIT	PLGIT 5698025	10,978.65	27.20	0.00	11,005.85
Police Drug Enforce.	PNC 1012912642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	609.64	0.13	0.00	609.77
					28267.49

Respectively Submitted:

Councilwoman Chris Rega

Borough Manager Jeffrey Landy

1,058,099.70

President's Report: None

Borough Manager's Report:

Borough Manager Jeff Landy made the following report:

- Shupes Run Bank Stabilization will begin this week by Mount Pleasant Township and Mount Pleasant Borough Street Department. The DEP need us to clean out the dead trees all the way down Shupes Run before they do any more work on our flooding problems.
- A meeting with Medic 10, Norvelt EMS and Kecksburg EMS. They are requesting intermunicipal agreements between the Township and the Borough. Mr. Landy will forward the agreements to Solicitor Toohey for his review.
- A meeting is scheduled on May 13, 2008 with Mike Foreman from the Governors Center and the Streets Committee at 5:00pm to review the operation of our Street Department.
- The schedule for 2008 Concerts In The Park and Movies In The Park is complete except for firework sponsors.
- The Borough received a request for handicapped parking at the Diamond. Mayor Lucia said that with the Concerts In The Park and other activities we should have two spaces at the Diamond. One on the side by Diamond Pharmacy and one on the other side.
- The Borough has received complaints regarding open pit fires. Mayor Lucia said that our ordinance was designed for burning rubbish and tree limbs etc. The ordinance does not prohibit barbeque grills or outdoor fireplaces. Any complaints will be referred to Mayor Lucia as Fire Chief and he will inspect them.

Waste Water Treatment Report:

Councilman Tate said he and Mr. Landy met with S.O.S. Services regarding how to raise sewage rates to comply with PennVest. There will be further to report at the next meeting.

Paving is complete on Spring Street and the contractor has started on Eagle Street in regards to the CSO Project.

Public Safety, Zoning and Ordinance Report:

Vice-president Bauer reported that the dual response with Mount Pleasant Medic 10, Norvelt EMS and Kecksburg EMS will continue until September 1, 2008.

Vice-president Bauer said that he would like to see the Landlord Ordinance passed. It is not fair for homeowners in the Borough to have to abide by the Property Maintenance Code and the landlords of rental properties don't.

Vice-president Bauer said he has been getting complaints about barking dogs. Also, when people are walking in the Borough people have their dogs leashed so that they can reach the curb and it frightens the walker.

Vice-president Bauer said there is a gentleman who can help us take care of the cat problem in the Borough and Mr. Landy will schedule him to come to a meeting and speak to Council.

Vic-president Bauer has a fence ordinance from the Borough of Kenthurst he will present to his committee for review.

Vice-president Bauer reported that the police contract has been signed.

Mr. Landy said that the Council made a motion to suspend sign permits until the ordinance is amended. He has a sample sign ordinance from the PSAB for Council to review.

Vice-president Bauer asked how many yard sales a person is allowed to have in one year. Mr. Landy said that he believes according to the PA Department of Revenue any more than two a year may be considered a business.

Street Report:

Councilman Crivella said that everyone has a copy of the estimated cost from Penn Dot to pave the streets that need done this year. There is not enough money in the budget to pave all of them and Councilman Crivella asked Council which ones they would like to do this year. A discussion ensued. Council agreed that the Borough should wait until January to request bids. The streets involved in the CSO Project will need to be repaved next year also. There a couple of alleys that need to be done this year.

Councilman Crivella said that he gave the list he received from the Recreation Committee of the projects they would like to see done in the parks this summer.

Councilman Tate said that Street Supervisor Fontanazza reported that 100 feet of curb needed to be replaced by Kriebel Resources at the Caruso properties. Councilman Tate and Borough Manager Landy looked at the curb and don't feel that 100 feet need replaced.

Vice-president Bauer said that there is a storm drain on S Gear that needs repaired. Councilman Crivella and Councilman Tate agreed that pre-cast catch basins be used to replace bad ones. Mayor Lucia would like to see the Street Department inspect all of the catch basins and give Council a report.

Mr. Landy said that with the rising price of gas, the Street Department should be looking into using off-road fuel. WWT has been using this fuel and it seems to be working fine. Councilman Crivella said that Supervisor Fontanazza feels it damages the vehicle engines. Mayor Lucia suggested that the Street Committee meet with Mr. Fontanazza to discuss it. Mr. Landy said that off-road fuel is approximately \$.50 per gallon cheaper and the only difference is that it contains a red dye.

Finance: None

Property:

Councilman Beranek suggested having the Police Station painted before the new floor is put in. Councilman Tate said that the contractor is ready now to do the floor. Mayor Lucia said that if contractor should do the floor now if he is ready and Mayor Lucia will look into having prisoners from the county prison paint the walls. It may two or three weeks for the prisoners to be available.

Councilman Beranek said that Caruso's Funeral Home has been letting people park in their parking lot as long as there is no funeral in progress. But some people are parking there anyway. Councilman Beranek said he would like to see the citizens respect the Caruso's private property.

Councilwoman Stevenson asked if there is a one-way sign when exiting the Caruso Funeral Home parking lot. Councilman Beranek said there is not. Councilwoman Stevenson said that may be the reason people are driving the wrong way down Eagle Street.

Business/Economic Development & Contracts: None

Human Resource/Employee Contracts:

Councilwoman Stevenson said she had someone ask about paper alleys. If there are two homeowners with a paper alley between them can they both use it. Mayor Lucia said anyone can use it but no one can block the alley. The homeowners can take the whole plan of lots and file a petition through the courts if they want to take it over.

A motion was made by Councilwoman Stevenson for the Historical Society to reserve the pavilion and concession stand at Frick Park for the Ghost Walk on the afternoon and evening of October 18, 2008. Motion seconded by Councilman Crivella. Motion carried 5-0.

Mayor Lucia said he discussed disciplinary actions with Police Chief Ober and wants to know how soon the employee handbook will be ready. No disciplinary actions can be taken legally until we have a handbook in place.

Recreation:

Vice-president Bauer said that the Recreation Committee toured the parks to make recommendations for improvements that need made. The improvements will cost approximately \$80,000. Councilman Tate said his suggestion is to take out a loan and include the payments in the yearly budget. There are some improvements that can be made with little cost. Other improvements were discussed. Borough Manager Landy said that originally money from the gas wells was going to be used for park improvements and perhaps Council should consider waiting a year until revenue from the gas wells starts coming in before making any improvements. DCNR has restrictions that make it unlikely for the Borough to be able to get grant money for the parks.

Mayor Lucia said that Dan Dean from the Street Department is going to go to the Mount Pleasant Area High School and operate a piece of Township equipment to roll Ramsey Field.

Councilman Bauer asked Mr. Landy how much Skowronek is charging for the trees at Veterans Park. Mr. Landy reported the following costs:

Red Sunset Maple	\$300.00 Ea/ Installed
Dogwood	\$135.00 Ea/ Installed
Pruning tree near alley	\$75.00

Council discussed how many trees and their placement. Councilman Bauer said if all of Council is in agreement on the tree selections he and Councilman Tate will meet with Skowronek this week and have them planted. Councilman Bauer said that Solicitor Toohey should legal avenues to assure that Santamaria Landscaping fixes the flag poles that are leaning at Veterans Park. Mr. Landy said that the cost from Liberty Flags would be over \$1,000. Liberty said that they would come in free of charge and supervisor Santamaria when they fixed the flag poles to make sure its done right.

A motion was made by Councilman Crivella to have Liberty Flags repair and straighten the leaning flagpoles at Veterans Park. Motion seconded by Councilwoman Stevenson. Motion carried 5-0.

Councilman Tate said he has names of people who are interested on serving on a Recreation Citizens Advisory Committee. Mr. Landy said that the Little League officers and the Girls Softball League officers would like to be on the advisory committee. Councilman Tate said that he would keep the list for when the Recreation Committee is ready for it.

A motion was made by Councilman Crivella to appoint a five member Health Appeals Board. Motion seconded by Councilman Tate. Motion carried 5-0.

New Business: None

Reading of Communications:

Mr. Landy read the following communications:

- Laurel Highland Chamber of Commerce is having its 11th Annual Golf Classic on June 9, 2008. Reservations must be received by May 15th.
- The Westmoreland Co Dept of Public Safety is having it 3rd Annual Emergency Management Seminar for Westmoreland County Elected Officials on May 28, 2008 from 8:00am to 4:00pm in the Commissioner’s Hall Auditorium on the campus of WCCC.

Discussion and Payment of Bills:

A motion was made by Councilman Tate to pay all authorized and approved bills. Motion seconded by Councilman Crivella. Motion carried 5-0.

Miscellaneous and Adjournment:

A motion was made by Councilman Tate to adjourn the meeting. Motion seconded by Councilman Beranek. Motion carried 5-0.

Meeting adjourned 9:56pm.

Motion from April 21, 1008 Meeting

A motion was made by Councilman Tate to dispense with the reading of the minutes of April 7, 2008. Motion seconded by Councilman Crivella. Motion carried 5-0.

A motion was made by Councilman Tate to have Mark Stanton proceed with the citation process for 340 College Avenue, Mount Pleasant PA 15666. Motion seconded by Councilwoman Stevenson. Motion carried 5-0.

A motion was made by Councilwoman Stevenson that the Borough authorize Municipal Code Inspections to be the inspector for the Property Maintenance Code and that temporarily we will use the Central Westmoreland Council of Governments as the board of appeals for citations issued by Municipal Code Inspections. Motion seconded by Councilman Beranek. Motion carried 5-0.

A motion was made by Councilman Tate for an Executive Session for police personnel. Motion seconded by Councilman Crivella. Motion carried 5-0.

A motion was made by Councilwoman Stevenson for the Historical Society to reserve the pavilion and concession stand at Frick Park for the Ghost Walk on the afternoon and evening of October 18, 2008. Motion seconded by Councilman Crivella. Motion carried 5-0.

A motion was made by Councilman Crivella to have Liberty Flags repair and straighten the leaning flagpoles at Veterans Park. Motion seconded by Councilwoman Stevenson. Motion carried 5-0.

A motion was made by Councilman Crivella to appoint a five member Health Appeals Board. Motion seconded by Councilman Tate. Motion carried 5-0.

A motion was made by Councilman Tate to pay all authorized and approved bills. Motion seconded by Councilman Crivella. Motion carried 5-0.

A motion was made by Councilman Tate to adjourn the meeting. Motion seconded by Councilman Beranek. Motion carried 5-0.