

Meeting April 23, 2012

The meeting of Mount Pleasant Borough Council was called to order by President Bauer at 7:01pm 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 Bauer directed Borough Manager Landy to take roll. Councilmen Beranek, Crivella, McCloy, McFeaters, Pritts, and Councilwoman Ruszkowski were present. Mayor Lucia was present and Solicitor Wolfe was absent. President Bauer stated we have a quorum.

Reading of the Minutes:

A motion was made by Councilwoman Ruszkowski to dispense with the reading of the minutes of April 2, 2012 since Council has been provided with a copy. Motion seconded by Councilman Pritts. Motion carried 7-0.

Public Comment:

John McGoran, Allied Waste, Scottdale PA said that the dumpsters that were placed in the Social Walkway temporarily will be removed by this Friday. Leo's Grille 31 has agreed to take all of their garbage down to their deli on Main Street for now. Mr. McGoran said that Leo's Grille 31 is an established business in the Borough and they are in need of a long-term solution. Mr. McGoran said that when the Borough is ready to address a solution to the problem it is imperative that Allied Waste be brought in during the planning phase so that they are certain they can service the location properly.

President Bauer asked Mr. McGoran if it would be possible to have larger recycling bins in the Borough. Mr. McGoran said that a better solution would be for residents who have more recycling to have two bins. There is no limit to how many bins a resident can have. Mr. McGoran said that within the next 6 months he will present a proposal for borough residents who want a larger recycling container. Borough Manager Landy said he doesn't want the customer to have to pay for the larger container. Mr. McGoran said that there may be grant money available to cover the cost.

Mr. Tim Kilberg, McCormick Taylor updated Council on the Growing Greener Grant (Storm Water Retrofit Project Phase II) Currently under design is a retention basin at the north end of Frick Hospital. The cost of the retention basin will be approximately \$200,000. That will leave approximately 50 – 20% of the grant money available for other retrofit projects. It would fund 8 – 15 additional rain gardens. There are two candidate locations for green roofs, Harmon House and Frick Hospital. Each location would cost approximately \$25,000. The balance of construction grant money would be used on other rain garden projects.

Borough Manager Landy said that the Retrofit Project is winding down. McCormick Taylor Engineers will take the lead from this point of the final phase. Council will have to make a decision about where to spend the remainder of the grant money. Whether they want to do more residential rain gardens or whether they want to concentrate on the green roofs. President Bauer said he would rather give the money to residents to solve their water problems. Mr. Kilberg said that if the rain gardens could be placed at properties that have a water problem it would be a big benefit. But the properties would have to be evaluated for the value of a rain garden. There are water problems near Frick Hospital so a green roof would benefit the Borough in that area but could be more expensive. Councilman McCloy said that residents interested in rain gardens would have to be evaluated before a decision is made. Mr. Kilberg said that the Westmoreland Conservation District is evaluating the fabric used in one of the last three rain gardens installed to come up with a better solution.

Mr. Bob Keeler, Coal and Coke Bike Trail, said that they have prepared an easement agreement to construct an extension to the trail on borough property behind the former Cook Lumber Co. Now that the new owner has given the trail permission to use the property they can use the original plans for the trail extension. The easement would put the entire trail under a single entity and would be covered under the Coal and Coke Bike Trail insurance. President Bauer said Council will send the easement to the Solicitor for his approval. A discussion ensued about how the trail will progress and what the Borough's role will be in the expansion. Mr. Keeler said that a student is working on a bulletin board for each end of the trail for his senior project. The plan is for local businesses to advertise on the boards.

Speakers:

Mike Dandrea, Key Tex Energy addressed Council regarding the changes happening in the electricity generation market. Prices are as low as they have been in 7 to 10 years and creates opportunity for suppliers to offer forward contracts that would be in place for 2 to 3 years or the length of the contract. He explained the different opportunities available to the Borough to save money.

Mayor's Report:

Mayor Lucia said the Mount Pleasant Police have had more domestic disturbances recently than in the past. The war on drugs continues and they will be conducting some speed control projects in the future. Citizens can help by calling the Police Department when they see something happening.

Mayor Lucia said he and Borough Manager Landy will be meeting with B.I.U. to discuss their report on the last batch of letters they sent out to landlords.

Solicitor's Report:

President Bauer said that the Landlord Association has filed a suit against the Borough regarding the Landlord Ordinance. Solicitor Wolfe said that he will act on the filing as soon as possible. B.I.U. said that citations have been prepared against landlords who have not complied with the ordinance and Solicitor Wolfe asked them to hold off sending them for about a week, but to definitely prepare the citations. There will be a hearing on the suit on Friday and President Bauer, Mayor Lucia and Borough Manager Landy will attend the hearing.

Mayor Lucia said he feels the Landlord Ordinance is for the benefit of residents of the Borough and owners who are looking to sell their properties. Mayor Lucia said he feels there are sections of town that are getting out of control and it will be hard to correct the problems. Councilman Crivella said that when properties get run down it devalues the rest of the properties on the street. President Bauer gave an example of that problem with a property on Washington Street.

Treasurer's Report:

Borough Manager Landy read the following Treasurer's Report for the month of March 2012:

Mt. Pleasant Borough Treasurer's Report		Mar-12			
		Previous Balance	Deposits	Disbursements	Balance 2012
General Fund Checking	PNC 00-0122-3513	50,000.00	392,871.24	377,077.24	65,794.00
General Fund Sweep	PNC 10-1149-3394	641,979.91	128,483.08	224,976.31	545,486.68
General Fund Budgetary Reserve	PNC 102-457-4388	63,227.37	7.77	0.00	63,235.14
**Fire	30,000.00				
**Police	0.00				
**Streets	10,000.00				
**Contingency Fund	23,235.14				
General Fund Budgetary Reserve	Standard Bank 321615	310,637.64	101,931.42	0.00	412,569.06
**Police	60,000.00				
**Streets	80,000.00				
**Contingency Fund	95,980.85				
**Infrastructure	90,000.00				
**BOMP1 Gas Well	9,250.00				
**BOMP2 Gas Well	4,572.81				
**Frick Park Gas Well	19,423.96				
**Levins	7,760.06				
**Surveillance Cameras	9,000.00				
**Surveillance Camera Grant	10,000.00				
**Early Warning Siren Grant	8,000.00				
**Fire	10,000.00				
**K-9	8,581.38				
Liquid Fuels PLGIT	PLGIT 56980126	19,725.73	90,711.06	0.00	110,436.79
Monument CD	Standard Bank 328188	6,023.34	0.00	0.00	6,023.34
Holiday Lighting Fund	Standard Bank 050004849	1,801.09	0.07	0.00	1,801.16
Payroll Fund	PNC 00-0122-6415	8,862.31	53,622.46	61,062.22	1,422.55
Veterans Park Fund	First Niagara 981293700	4,599.99	0.00	0.00	4,599.99
Veterans Park Fund	PLGIT 5698025	11,260.31	0.16	0.00	11,260.47
Police Drug Enforcement	PNC 10-1291-2642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	613.03	0.03	0.00	613.06
Medic 10 Checking	Standard Bank 0010107643	35,146.55	100,974.08	34,462.37	101,658.26
Medic 10 Savings	Standard Bank 0310000238	94,535.09	16.05	0.00	94,551.14
Storm Water Retrofit Phase II	PNC Bank 10-3388-4556	25,739.21	0.00	0.00	25,739.21
Total General Fund Balance					1,446,041.35
WWT Operational Acct	Standard Bank 0320012280	253,891.30	29,932.87	50,695.47	233,128.70
WWT Savings	Standard Bank 0050021008	57,715.75	1,514.10	0.00	59,229.85
WWT Budgetary Reserve	Standard Bank 0000287245	137,782.46	10,024.01	0.00	147,806.47

**Contingency 87,806.47
 **Infrastructure 60,000.00

Total WWT Balance					440,165.02
Total Borough funds					1,886,206.37

Respectfully Submitted:
 Councilwoman Susan Ruszkowski
 Secretary Beverly Fedorchak

Borough Manager Landy reminded Council that the monies in budgetary reserve accounts are earmarked for specific projects. Only the money in the Contingency line item and Infrastructure are not for specific projects. Councilman Beranek asked what the percentage is and Mr. Landy said he will figure it out.

A motion was made by Councilman Beranek to approve the Treasurer’s Report as read. Motion seconded by Councilman Pritts. Motion carried 7-0.

President’s Report:

President Bauer said he attended the Westmoreland County Borough’s Association annual banquet and he got information on some webinars that are planned.

President Bauer said that Geo Cachers should register their sites with the Borough. Registration is required in other municipalities and for safety reasons he feels they should register here also. Marilyn Forbes, Washington Street, Mount Pleasant PA, a long time Geo Cacher, said that on the main Geo Caching web-site it is posted that any good Geo Cacher registers with the municipality and any neighboring property.

A motion was made by Councilman Beranek to appoint Diane Bailey, College Avenue, Mount Pleasant PA to the Civil Service Commission. Motion seconded by Councilman McCloy. Motion carried 7-0.

A motion was made by Councilman Crivella to appoint Phyllis Newell to the Mount Pleasant Zoning Appeals Board. Motion seconded by Councilman McCloy. Motion carried 7-0.

President Bauer said the “Borough News” reported that registration of rental units, owners and occupants, inspections etc. has been recognized by Pennsylvania courts. President Bauer said he feels it is important to defend the Landlord Ordinance against the lawsuit recently filed. President Bauer said the cost of fighting the lawsuit will use borough resources better used elsewhere. Councilman McCloy said that our Landlord Ordinance also states that if the landlord does not live within 20 miles they must appoint a manager of the rental unit. Councilman Crivella said other municipalities have a rent tax. President Bauer talked about provisions that should be added to the ordinance.

A motion was made by Councilman Beranek to defend the Landlord Ordinance against the recently filed lawsuit through legal channels. Councilman Beranek called for a roll call vote. Borough Manager Landy took the following roll call vote:

- Councilman Beranek Yes
- Councilman Crivella Yes
- Councilman McCloy Yes
- Councilman McFeaters No
- Councilman Pritts Yes
- Councilwoman Ruszkowski Yes
- Councilman Bauer Yes

Motion carried 6-0. Motion carried.

Councilman McFeaters asked the other council members if they have received any feedback from residents in favor or against the ordinance. President Bauer said the only people who have voiced an opinion to him against the ordinance have been landlords. Council agreed that there are some great landlords in the borough. Councilman McFeaters said that he voted no because he owed it to the people who voted for him. The platform that he campaigned on included repealing the landlord ordinance. Borough Manager Landy said that he did hear from tenants who want to see the ordinance repealed but it was because they were told if the ordinance remains their rent would go up. President Bauer said that Council is preparing to educate the public about this ordinance.

President Bauer said that landlords, some of whom live outside the Borough, who are not taking care of their properties are lowering the value of other homeowners. Councilman McFeaters questioned why the property

maintenance ordinance already in place can't be used to force people to fix their properties. Mayor Lucia said that an ordinance has been in place for years stating that when a new tenant moves in the apartment must be inspected. The cost of the inspection was \$15.00 and very few landlords abided by that ordinance. Mayor Lucia advised Councilman McFeaters to use his own judgment based on what he has learned from his four months as a Councilman. Borough Manager Landy said the last big decision this council made to preserve the integrity of the Borough was instituting R1A zoning which limits multiple family properties. Councilman Crivella stated that he doesn't feel the Landlord Ordinance has done much to improve the situation and President Bauer said that is because Council has not enforced the ordinance to the fullest extent. Landlords were given up to two years to comply and many have still not gotten the required inspection. Councilman McFeaters said that if one of his neighbors who is not a landlord, but lives in the home, lets his property get run down he will file a complaint based on the Property Maintenance Code and he feels the same should happen with rental properties. Mayor Lucia said that Property Maintenance only covers the exterior and tenants are afraid of retaliation if they report their landlord for living conditions. Borough Manager Landy said that landlord registration is important so that the Borough knows who to contact if a problem with the property exists. Councilman McFeaters said that there are alternative ways to help tenants deal with unsafe living conditions. If a tenant reports that they are being evicted because they turned in their landlord we should help that individual and not punish all landlords with an unfair ordinance.

Borough Manager's Report:

Borough Manager Landy reported that on April 28th is Opening Day for the Mount Pleasant Little League. Ceremonies begin at noon and they would like all of council to attend.

Borough Manager Landy said that he, Mayor Lucia and President Bauer attended a seminar in Canonsburg on Redevelopment and a meeting is scheduled with the Community & Economic Development/Grants Committee to speak with the company who did the presentation on Wednesday at 5:00pm.

Borough Manager Landy said that he is getting quotes for someone to clean up around the outside of the Municipal Building and do a little bit of landscaping.

Borough Manager Landy said that he and Councilman Tate looked at the bridge that WWT personnel built over the creek at Willows Park and determined that the bridge needs hand rails. Mr. Landy said that the bridge will be made safe before the opening day of Little League.

Borough Manager Landy reported that a Liquid Fuels audit was performed today for 2009, 2010 and 2011. A final report will be received in a few weeks, but the exit conference indicated that we are in compliance for those years.

Borough Manager Landy said that he received a call from a local senior citizen regarding the franchise fee we received from Armstrong. The franchise fee has gone up because the number of customers has gone up. This citizen suggested that the Borough keep the franchise fee at a fixed number, which may limit billing increases. Borough Manager reported that the Governor declared a state of emergency because of the winter storm warning and all borough departments were notified to keep track of any costs associated with the storm in case we need to file a claim for emergency funds.

Borough Manager Landy said that the Private Industry Council has funding for a summer work program and he has applied for 4 people aged 16 – 18 year. One each for WWT, Streets, Recreation and the administration office.

Mr. Landy reported to Councilman Beranek that the amount of money in Budgetary Reserve that is earmarked for special projects is 76% and 25% can be used for emergencies. Monies that are line itemed can be used, but the line items show planned expenditures.

President Bauer said that before the committee reports he would like to have a moment of silence for Representative Jim Shaner who passed away.

Public Works:

A motion was made by Councilman Pritts to approve adding hand rails to the bridge between Willows Park and the Little League Field in the amount of \$1,785.00 to be installed by Larry J. Tate. Motion seconded by Councilman Crivella. Motion carried 7-0.

WWT Supervisor Norman Stout addressed Council doing work in the borough that does not pertain to the WWT Plant. Mr. Stout said that in 2011 he lost two months at the WWT Plant because he was doing other projects that he was asked to do. Some of these projects included Willows Park, Jack Bobb's Park, Veterans Park and the water line across Diamond Street. Mr. Stout said that he has addressed Council before on this subject but the problem continues. Mr. Stout said that when he said no to a recent request he received a letter from Councilman Tate and Mr. Stout said he would like to have the consensus of Council regarding the letter. Mr. Stout said he has brought up in the past that doing community work puts him in a bad situation with his Chapter 94 Report. Mr. Stout said that Councilman Tate suggested that he put together a letter to the DEP regarding the situation. But Mr. Stout feels that since the letter from Councilman Tate it has become personal. He would like something in writing from the Borough Solicitor or from Council regarding what is expected of him as far as community work is concerned. Mr. Stout explained that his Chapter 94 Report to the DEP is a schedule of all the work he has done for the year and when he loses two to four months of premium weather it shows in the report and reflects on him. Mr. Stout said that he realizes Council has rights to make requests of him but he feels he has rights also. He feels he was hired to be in charge of WWT which requires him to be licensed and now he is being asked to do every handyman job in town. President Bauer said that Mr. Stout's job is to run the sewage plant, but when work there is slow WWT personnel should be willing to help out where they can.

Another matter Mr. Stout brought up is the rules involving sump pumps in the Borough. Councilman Tate called the DEP inquiring about regulations covering sump pumps and sanitary sewers so Mr. Stout feels he will step back from being involved with that matter in the future. One matter that Mr. Stout feels needs addressed is the ordinance regarding storm water being eliminated from the sanitary sewer. The ordinance will need to be changed to cover sump pumps.

Mr. Stout questioned Council about a WWT employee's vacation. The Employee Handbook for borough employees states that employees completing three or eight years of service in any given year shall be eligible for the additional week of vacation during the year in which the anniversary occurs. The employee in question will have his eight year anniversary in 2012. At a meeting between the employee, Councilwoman Ruszkowski, Councilman Tate and Borough Manager Landy it was determined that the employee is eligible for a third week of vacation in 2012. Mr. Stout stated that he would like this determination in writing and the members who were present in the meeting with the employee stated that they felt a letter was unnecessary.

Public Safety Report:

Councilman Beranek reported that Medic 10 has received their re-certifications and everything is in order,

Zoning & Ordinance Report:

Councilman McCloy reported that the owner of the property at 12 N Church Street is continuing to do repairs. Painting has been done, shrubs have been removed, stone walls have been repaired, handrails have been repaired and work on the roof will begin soon.

Councilman McCloy said that there was a statement made regarding inspection of borough properties. Councilman McCloy stated that all borough properties have been inspected.

Councilman McCloy said that on May 31, 2012 he and Mayor Lucia will attend a seminar regarding "Establishing a Rental Property Inspection Program".

Community & Economic Development/Grants Report:

Councilman McFeaters said that we are registered with FEMA and are working on getting a CCR Registration in order to apply for grants. Councilman McFeaters said he was told that in August grant monies may be available for the concrete apron at the Central Fire Station.

Councilman McFeaters said that he and Borough Manager Landy are going to meet with KU Enterprises to look at the Bridgeport Street property so that we can make it useable.

Veterans Park Report: None

Parks & Recreation Report:

Councilman Crivella said that the Parks & Recreation Committee inspected Frick Park to determine what work needs to be done at the park. Some of the playground equipment needs repaired or replaced. Councilman

Crivella said he would like to see a yearly inspection by the Street Department and repairs made annually. Councilman McFeaters said he will get some volunteers together to “adopt” Frick Park and have a work party. If the borough will pay for the materials the volunteers will do the work.

Finance Report:

A motion was made by Councilwoman Ruszkowski to authorize settlement of the tax assessment appeals filed at 10430 of 2007 and 10438 of 2007 and that the Solicitor shall be authorized to execute tax appeal stipulations as necessary to effectuate the settlements. Motion seconded by Councilman Beranek. Motion carried 7-0.

Borough Manager Landy said that property tax income continues to go down in the Borough because of reassessments and if the trend continues Council will have to either raise taxes or cut expenses.

Councilwoman Ruszkowski asked Council for some suggestions for funding the July 3rd fireworks since the Night At The Races had to be canceled due to low interest. Councilwoman Ruszkowski said we can try to organize another fund raiser or we can absorb the cost in the General Fund.

Mayor Lucia made a suggestion for a fund raiser that would encompass all of the events each year. Envelopes would be available for each event and people could donate to that specific event. Borough Manager Landy said that if we wanted to do some kind of a mailer, the mailing lists from the Fire Department and Medic 10 combined would be a comprehensive list.

Property Report:

Councilman Pritts said he got a phone quote and a written quote for installation of lighted exit signs and emergency lighting on the second and third floor of the Municipal Building.

A motion was made by Councilman Pritts to suspend the rules for the purpose of a motion to approve installation of exit lighting. Motion seconded by Councilman Beranek. Motion carried 7-0.

A motion was made by Councilman Pritts to accept the quote from Handyman Joe in the amount of \$600.90 to install 6 exit signs and emergency lighting in the Municipal Building. Motion seconded by Councilman Beranek. Motion carried 7-0.

Councilman Pritts said he talked to Mine Safety about brackets for the surveillance cameras and he will be looking for DVR’s for the parks because we have grant money for that purpose.

Councilman Pritts said he and Councilman Ruszkowski spoke with someone on Saturday who provided a drawing for the Welcome to Mount Pleasant sign.

Sanitation & Recycling Report: None

New Business: None

Reading of Communications:

Borough Manager Landy read the following communications:

- On April 27, 2012 at 11:00am Shop Demo Depot is holding a grand opening and they invited all of Council to attend.
- The Mount Pleasant VFD is holding its annual Golf Outing on August 25, 2012. The cost for a foursome is \$300.00.

Discussion and Payment of Bills:

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

Miscellaneous and Adjournment:

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

Meeting adjourned 9:41pm

Motions from April 23, 2012 Meeting

A motion was made by Councilwoman Ruszkowski to dispense with the reading of the minutes of April 2, 2012 since Council has been provided with a copy. Motion seconded by Councilman Pritts. Motion carried 7-0.

A motion was made by Councilman Beranek to approve the Treasurer's Report as read. Motion seconded by Councilman Pritts. Motion carried 7-0.

A motion was made by Councilman Beranek to appoint Diane Bailey, College Avenue, Mount Pleasant PA to the Civil Service Commission. Motion seconded by Councilman McCloy. Motion carried 7-0.

A motion was made by Councilman Crivella to appoint Phyllis Newell to the Mount Pleasant Zoning Appeals Board. Motion seconded by Councilman McCloy. Motion carried 7-0.

A motion was made by Councilman Beranek to defend the Landlord Ordinance against the recently filed lawsuit through legal channels. Councilman Beranek called for a roll call vote. Borough Manager Landy took the following roll call vote:

Councilman Beranek	Yes
Councilman Crivella	Yes
Councilman McCloy	Yes
Councilman McFeaters	No
Councilman Pritts	Yes
Councilwoman Ruszkowski	Yes
Councilman Bauer	Yes

Motion carried 6-0. Motion carried.

A motion was made by Councilman Pritts to approve adding hand rails to the bridge between Willows Park and the Little League Field in the amount of \$1,785.00 to be installed by Larry J. Tate. Motion seconded by Councilman Crivella. Motion carried 7-0.

A motion was made by Councilwoman Ruszkowski to authorize settlement of the tax assessment appeals filed at 10430 of 2007 and 10438 of 2007 and that the Solicitor shall be authorized to execute tax appeal stipulations as necessary to effectuate the settlements. Motion seconded by Councilman Beranek. Motion carried 7-0.

A motion was made by Councilman Pritts to suspend the rules for the purpose of a motion to approve installation of exit lighting. Motion seconded by Councilman Beranek. Motion carried 7-0.

A motion was made by Councilman Pritts to accept the quote from Handyman Joe in the amount of \$600.90 to install 6 exit signs and emergency lighting in the Municipal Building. Motion seconded by Councilman Beranek. Motion carried 7-0.

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

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