

## Meeting May 7, 2012

The meeting of Mount Pleasant Borough Council was called to order by President Bauer at 7:10pm 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, McCloy, McFeaters, Pritts, Tate and Councilwoman Ruszkowski and Stevenson were present. Mayor Lucia and Solicitor Wolfe were present. President Bauer stated we have a quorum.

### **Reading of the Minutes:**

A motion was made by Councilwoman Stevenson to dispense with the reading of the minutes of April 23, 2012 since Council has been provided with a copy. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

**Citizen of the Month:** William Lozier

### **Public Comment:**

Robert Altman, 719 Route 819 Mount Pleasant PA 15666 thanked Council for removing the bollards from in front of McCali Manor. Mr. Altman asked Council what the policy is for bagging meters in the Borough. He was told that there is not policy for bagging meters in the Borough but he said he has seen meters bagged in front of Brooks Funeral Home. Mayor Lucia said that Brooks does bag the meters on the day of a funeral for the hearse and family cars. Mr. Altman said that they would like to bag the meters in front of McCali Manor when they have an event where they will expect a large crowd. President Bauer said that Council will look into his request and Mr. Altman may have to get permission from Penn Dot also. Mayor Lucia said that they would have to do a couple of dry runs and monitor traffic flow before any decision is made. Councilman Beranek said Council would have to make sure there is no traffic backup on Main Street.

Charlie Nitterright, 2703 Slope Hill Road Mount Pleasant PA 15666 addressed Council regarding the Landlord Ordinance. He would like to see cooperation between Council and the Landlord Association.

Jill Hostetler, 212 College Avenue Mount Pleasant PA 15666 addressed Council regarding safety and functionality of the Dog Park. Ms. Hostetler said that the Dog Park should be double-gated for the safety of the dogs and the park should be resurfaced to remove the sand. President Bauer said that the current Dog Park is simply a trial run to see if there is interest. The volleyball court was not being used and it was decided to give it a try.

James Meredith, 119 Misty Meadow Road said he is a landlord who does not live in the Borough and he feels he has been wrongly portrayed as uncaring landlord and that portrait is false. Mr. Meredith read a list of repairs recently made to his rental property.

Gerald Rendine 1361 State Route 31 Mount Pleasant PA 15666 said that he agrees with Mr. Meredith regarding out-of-town landlords and is opposed to the Landlord Ordinance because he feels it devalues property in town. Mr. Rendine said that there will be a public meeting on May 10, 2012 to discuss the landlord ordinance for anyone interested in attending.

President Bauer said that on July 7, 1975 Ordinance #461 was passed requiring inspections of rental properties before a certificate of occupancy is issued. President Bauer said that required inspections of rental properties is not new. Landlords have not complied with Ordinance #461 and the present Landlord Ordinance was passed so that landlords could be identified.

### **Speakers:**

Marci Hostoffer and Donna Pawlikowski, Mount Pleasant Drug Awareness Program presented Officer George Grippo and the Mount Pleasant K-9 Unit with a donation. Ms. Pawlikowski said that the Mount Pleasant Drug Awareness Program also fights drugs in Mount Pleasant Borough and Mount Pleasant Township.

**Mayor’s Report:**

Mayor Lucia said that a group will be protesting in the Borough at the Diamond on Friday may 11<sup>th</sup> at 5:30pm and on Saturday at PNC Bank. These protestors are targeting PNC Bank because they support Marcellus Shale gas well drilling. Mayor Lucia said that there is an ordinance in the Borough that states the only place for protests and public gathering is at the Freedom of Speech Area at the Diamond and a permit is required. Our police force will have to move the protestors if they gather in front of the PNC Bank. Mayor Lucia said that the borough office can have the permits ready so that there will be less confusion.

Mayor Lucia said that he met the Mayor of Jefferson Borough at the PSAB Annual Conference who had to be transported to Frick Hospital from the conference at Seven Springs and he high praise for Frick Hospital and the way he and his wife were treated.

Mayor Lucia reminded everyone that Memorial Day is on May 28<sup>th</sup> and a parade will be held at 10:30am in the Borough followed by a ceremony at Veterans Park.

**Solicitors Report:**

Solicitor Wolfe reported that on behalf of the Borough he has responded to the lawsuit filed by the Landlord Association against the Borough by filing a preliminary injunction asking that the suit be dismissed. The Landlord Association attended a hearing and requested an injunction and Mr. Wolfe said that he volunteered that the Borough would hold off on issuing any citations until this can be sorted out and the Judge has time to decide what to do. Any reports that say the Borough lost a motion is incorrect. It was only an offer by the Borough to put everything on hold until the Judge can look at the case. Rental registration and inspections will continue but the Borough agrees not to issue any citation. Mayor Lucia asked Solicitor Wolfe what “spot zoning” means and Mr. Wolfe explained that is when a property is being treated differently than any other property. Mr. Wolfe said that the idea that there is a problem with the ordinance because it applies only to rental properties instead of owner-occupied properties has been raised many times and he has not seen that argument accepted by the courts. One argument that has been raised is that the Borough is selectively enforcing the ordinance and it could pose a problem except for the fact that the Borough has not issued any citations.

**Tax Collector’s Report:**

Tax Collector Carol Yancosky read the following report for the month of April 2012:

Property Taxes:	\$294,745.17
Per Capita:	\$ 93.50
 Total	 \$294,838.67

Borough Manager Landy said that he discussed with Ms. Yancosky a resolution to increase the cost of a tax certification and municipal lien letter and asked Ms. Yancosky to explain the resolution. Ms. Yancosky said that right now she charges \$10.00 for a 4-year tax certification and the school district has asked her to increase that fee to \$20.00. They also requested that the Borough increase their fee for a municipal sewage/lien letter to \$20.00.

A motion was made by Councilman Beranek to suspend the rules for the purpose of a resolution to raise the fee for tax certifications and lien letters. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

A motion was made by Councilman Beranek to approve Resolution #2012-04 raising the fee for a tax certification and a municipal sewage/lien letter from \$10 to \$20. Motion seconded by Councilwoman Ruszkowski. Motion carried 8-0.

**President’s Report:**

A motion was made by Councilman Beranek to appoint Seth Prentice to the Mount Pleasant Planning Commission. Motion seconded by Councilman McCloy. Motion carried 8-0.

A motion was made by Councilman Beranek to appoint Leo Wisniewski to the Mount Pleasant Parking Authority. Motion seconded by Councilman Pritts. Motion carried 8-0.

A motion was made by Councilman Pritts to allow Mount Pleasant Girls Softball League to hold its Annual 100-inning game on May 19<sup>th</sup> into May 20<sup>th</sup>. 2012. Motion seconded by Councilwoman Stevenson. Motion carried 8-0.

A motion was made by Councilwoman Stevenson for an Executive Session. Motion seconded by Councilman Beranek. Motion carried 9-0.

### **Executive Session 7:52pm to 8:30pm.**

President Bauer said that the Executive Session was to discuss personnel.

President Bauer reported that an Executive Session was held at 6:30pm tonight before the council meeting to discuss litigation.

President Bauer said that he would like to address some questions that have been asked about the Borough. It has been asked why the Borough doesn't use their own inspectors from the local community. President Bauer said that in the past when local people were hired as inspectors there was some favoritism and recently there has not been any qualified persons to do the job.

President Bauer said that it has been said that Council is "big government". President Bauer said that Council is a group of citizen legislators who work and run the Borough in their spare time. President Bauer said that in all of his years on Council everyone has nothing in mind but the best interest of the Borough and not for personal gain or to cause hardships for anyone. Council is simply trying to make the Borough safe, clean and prosperous and keep property values up.

President Bauer read an excerpt from the Borough News that stated the following are components of Landlord Ordinances that have been recognized by Pennsylvania Courts:

- Registration of rental units.
- Registration of rental property owners and adult tenants.
- Licensing of rental units.
- Compliance of zoning
- Maintenance of the property
- Inspections of common areas
- Designation of local agent
- Provisions for access in case of emergency

President Bauer said he can assure the residents of the Borough that Council is not out to hurt anyone, they are simply enforcing the ordinance and will not be inspecting private homes.

President Bauer said that he is very upset that the Borough has to spend money to defend this lawsuit and disappointed that Council will have to put some of projects on hold, but Council has no intention of raising taxes.

President Bauer read the following statement composed by Solicitor Wolfe:

As the citizens of the Borough of Mount Pleasant are aware, in January 2010, the Borough enacted its Residential Rental Property Ordinance which requires the owners of residential rental properties located within the Borough to register each residential rental unit with the Code Enforcement Officer, maintain the residential rental premises in compliance with the applicable codes and perform routine maintenance and make all repairs necessary to keep the rental unit in compliance with the applicable building codes. The Ordinance also requires that each residential rental unit be inspected by the Code Enforcement Officer at least one time in every 24 month period in order to confirm that the rental unit is being maintained in accordance with the applicable codes. The cost for the registration and inspection is \$50.00.

The benefits of the Residential Rental Property Ordinance are many and include the protection and promotion of the public health, safety and welfare by ensuring that rental units comply with minimum housing standards, to correct and prevent housing conditions that adversely affect or may adversely affect the life, safety and general health and welfare of persons occupying residential rental properties, to facilitate the enforcement of minimum standards for

the maintenance of existing rental properties, to encourage rental property owners to maintain and improve the quality of rental housing within the community, protect and preserve the character and stability of residential areas, prevent slums and blight and preserve the value of land and buildings within the Borough.

The act of renting a property is a business activity and when that property is improperly maintained, it detrimentally affects the public health, safety and general welfare, as well as the aesthetic value of the community and property values at large. The Borough's Ordinance not only protects tenants residing within the Mount Pleasant Community, but the Ordinance also benefits the Borough's non-landlord property owners whose property values can be negatively affected by poor quality rental housing in their vicinity. Landlords also benefit from the Ordinance by receiving guidance from housing professionals, by being provided with a documented record of the condition of the property, being protected against consumer lawsuits for renting sub-standard units and by having a tool to protect against illegal rent withholding and tenant damage to the unit. The Ordinance also protects those landlords who do maintain their properties within the requirements of the applicable building codes by making sure that are landlords are operating on a level playing field and cannot undercut pricing by offering substandard rental housing.

In an attempt to gain support for their opposition of the Ordinance, the Greater Mount Pleasant Landlord Association has been spreading false information throughout the community, especially among the tenants of residential rental properties within the Borough. The Association claims, without citing a single fact, that the requirement for registration and inspections will be extremely costly and will place a substantial additional burden on property owners to meet these requirements. The Association also falsely claims, again without citing a single fact, that the resulting alleged increase in the cost of operating rental properties caused by the Ordinance will be passed along to the tenants in the form of higher rents. The only fee associated with the registration and inspection program is the \$50.00 registration and inspection fee which will be incurred only once every two years. It is possible that landlords may also incur the cost of correcting code violations discovered by the inspection program. However, prior to the adoption of the Residential Rental Property Ordinance, landlords were already under an obligation to maintain their residential rental properties in accord with the applicable building codes. The cost of making the repairs necessary to abate code violations discovered in the inspection process can only be viewed as an additional cost resulting from the Ordinance if the landlord, but for the inspection, otherwise would not have made the required repair.

Although ordinances of this kind have been in place for many years in many communities, not just in Pennsylvania, but across the United States, the Association has nonetheless gone to court to challenge the validity of the Borough's Ordinance, raising constitutional challenges that have been time and time rejected by the courts. The Association has also raised other meritless arguments such as claiming that the Borough is selectively enforcing the Ordinance, even though the Association has acknowledged that the Borough has not yet taken any action to enforce the Ordinance and claiming that the requirement that landlords provide the Borough with their name and a contact address and telephone number, the kind of information found on a business card, violates their constitutionally protected right to privacy. The Mount Pleasant Borough Council strongly believes that we have one of the finest communities in Western Pennsylvania and that what we have built here should be protected and maintained. By enacting Ordinances such as the Residential Rental Property Ordinance, Council has the tools available to it to do so and to prevent the kind of decline and decay that has been experienced in other small communities throughout the region.

Council intends to vigorously defend this suit and the Residential Property Ordinance and invites our fellow residents to join us in our efforts to preserve and improve our exceptional community.

#### **Public Works Report:**

A motion was made by Councilman Tate to award the College Avenue Paving Project to Victor Paving in the amount of \$34,459. Motion seconded by Councilman Beranek. Motion carried 8-0.

Councilman Tate said that paving bids were received for Rumbaugh Avenue but Councilman Tate said he would like to see the Borough tar and chip that street especially since Mount Pleasant Township is going to tar and chip their portion. A discussion ensued and Council decided to pave Rumbaugh Avenue.

Councilman Tate said that the streets in the Borough have all been swept this spring. When owners refused to move their vehicles Street Department personnel swept around them which makes the job more difficult, more time consuming and more costly.

**Borough Manager's Report:**

Borough Manager Landy asked Council to look at the Profit and Loss Budget vs Actual report through April to see where we stand with income and expense.

Mr. Landy said that from June 18<sup>th</sup> to August 10<sup>th</sup> the free summer lunch program will be at the concession stand at Frick Park for anyone under the age of 18.

Mr. Landy said that the Private Industry Council is offering a work program this summer and he has applied for four workers. One for Streets, WWT, Recreation and Administration. Mr. Landy said that anyone who wants to work in the program can call P.I.C. and get the details and what qualifications are required.

Mr. Landy read the following Concert In The Park series:

June 3 <sup>rd</sup>	Back In Time Fire
June 17 <sup>th</sup>	Stereotype Fire Truck Rides & Family Type Contests
July 3 <sup>rd</sup>	Switch / Fireworks
July 15 <sup>th</sup>	Travelin Road Show
July 29 <sup>th</sup>	Renewed Memories
August 12 <sup>th</sup>	Good Enough Motorcycle Show
August 26 <sup>th</sup>	Mon Valley Push
September 9 <sup>th</sup>	Brothers Kelly

Mr. Landy read the following Movies In The Park dates:

June 8 <sup>th</sup>	Rain Date June 9 <sup>th</sup>
July 20 <sup>th</sup>	Rain Date July 21 <sup>st</sup>
August 10 <sup>th</sup>	Rain Date August 11 <sup>th</sup>

There is a royalty fee for each movie and the Mount Pleasant Rotary pays that fee.

Mr. Landy said that he and Mayor Lucia attended the Annual PSAB Spring Conference at Seven Springs.

Mr. Landy said he attended a meeting with Frick Hospital, McCormick Taylor Engineering and Westmoreland Conservation District regarding the storm water project at the hospital. This project should be completed this year. When this project is complete there should be enough grant funds left to do approximately 6 or 7 more rain gardens. Any homeowners who are interested in having a rain garden on their property should submit their name and Mr. Landy will forward the list to McCormick Taylor who will assess the property to see if a rain garden would be a good fit. Any homeowner who qualifies for a rain garden will have to sign a 10-year contract with the state since it is state grant funds being used.

Mr. Landy said that during Public Comment earlier in the meeting someone commented that they requested a list of landlords from him and he did not provide the list. Mr. Landy said that the Borough has only been provided with a updated and more complete list recently and did not have that list when the person asked for it. Also, there is a Right To Know request form that must be filled out and submitted to Ms. Fedorchak who is the Right To Know officer for the Borough. When the form is completed the Borough has 5 days to respond to the request.

President Bauer said that he and other council members attended the 25<sup>th</sup> Anniversary of Harmon House on Friday May 4<sup>th</sup> and it was very nice. Harmon House is a positive organization in the Borough and everyone congratulates them on their anniversary.

**Public Safety Report:**

Councilman Beranek read the following Fire Report for the month of April 2012:

Total Calls	38
In Town	12
Out of Town	26
10-45's	14
10-45's w/entrapment	2
Fires	13
Public Service	5
AFA's	5
Stand-By's	1
Turnpike Calls	3
Total Men Answering	560
Ave Member Per Call	14
Total Hours	232

Councilman Beranek read the following Medic 10 Report for the month of April 2012

- 148 ambulance requests
- 110 patients transported by Mount Pleasant EMS
- 1 patient flown to a tertiary care center
- 8 patients transported in place of neighboring EMS services
- 4 requests deferred to neighboring departments while crews were assisting other patients

Incident Locations

- 110 request in Mount Pleasant Borough
- 16 requests in Mount Pleasant Township
- 10 requests in Bullskin Township
- 9 requests in E Huntingdon Township
- 1 request in Scottdale
- 1 request in New Stanton
- 1 request in S Huntingdon Township

Incident Categories

- 115 medical calls in Mount Pleasant Borough
- 5 trauma calls
- 6 traffic accidents
- 13 fire standbys
- 3 EMS standbys
- 6 inter-facility transfers

Report submitted by Brian Shrum, Supervisor Mount Pleasant EMS Medic 10

A motion was made by Councilman Beranek to purchase a new police vehicle through the Costars Program. Motion seconded by Councilman Pritts. Motion carried 8-0.

A motion was made by Councilman Beranek to suspend the rules for the purpose of charging a fee for reports requested from the Police Dept. Motion seconded by Councilman Pritts. Motion carried 8-0.

A motion was made by Councilman Beranek to charge \$15.00 for all reports generated by the Mount Pleasant Police Department. Motion seconded by Councilman Pritts. Motion carried 8-0.

**Zoning & Ordinance Report:**

Councilman McCloy said there will be a meeting of the Zoning and Ordinance Committee on Monday May 14<sup>th</sup> at 6:30pm to discuss changes to various ordinances.

Councilman McCloy reported that the Community Yard Sale will be this Saturday May 12<sup>th</sup>. No permit is required to have a yard sale on that day.

President Bauer clarified that the Yard Sale Permit was established because of complaints from property owners whose neighbors had yard sales every day and there were traffic disruptions and other problems.

#### **Community & Economic Development/Grants Report:**

Councilman McFeaters said he has not heard anything back on possible grants. He asked Borough Manager Landy if he has heard anything back from KU Resources Inc regarding the Bridgeport Street property. Mr. Landy said that he received an email from them asking what day is good for them to discuss their recommendations.

Councilman McFeaters said he attended and participated in the National Day of Prayer which has special meaning to him.

Councilman McFeaters said that members of the Greater Mount Pleasant Area Landlord Association has volunteered their time to fix up Frick Park. Councilman McFeaters said they are ready to start as soon as Councilman Crivella gets the materials. He said he would like to try and get residents involved along with parents and their children. Anyone interested can contact him through the Mount Pleasant Borough web-site or call the borough office.

President Bauer said it would be a good thing for Councilman McFeaters to attend the monthly BDA meetings. Councilman McFeaters agreed and said he will call them.

#### **Veterans Park Report:**

Councilman Tate said the committee has been in contact with the companies working on the Veterans Park Video Wall and it looks like construction will happen sometime in June.

Councilman Tate said that the committee will meet to discuss the request by the Senior Center to trim a tree that is blocking their sign and to discuss some changes on the Video Wall project on Saturday at 10am.

#### **Parks & Recreation Report:**

A motion was made by Councilwoman Stevenson to allow the Mount Pleasant Glass & Ethnic Festival to hold the annual Mount Pleasant Cruise Night on August 17, 2012 at Frick Park. Motion seconded by Councilman McFeaters. Motion carried 8-0.

#### **Finance Report:**

Councilwoman Ruszkowski said that at the last meeting Council discussed how to fund the July 3<sup>rd</sup> Fireworks since the Night At The Races was canceled. At that time Mayor Lucia discussed donation coupons that could be mailed out at the beginning of the year. Councilwoman Ruszkowski said that if there were no objections she will put a motion on the next agenda to pay for the fireworks this year out of the General Fund. Borough Manager Landy said the cost last year was approximately \$5,000. Mayor Lucia said that there is still time to ask the Mount Pleasant Journal to print a donation coupon in the paper and any donations could off-set the cost of the fireworks.

#### **Property Report:**

Councilman Pritts said that Mr. Landy got quotes for landscaping at the Municipal Building and the Property Committee will meet to discuss the quotes.

Councilman Pritts said that the company who is going to install the emergency exit signs in the municipal building will start work in about two weeks.

**Sanitation & Recycling Report:**

Councilwoman Stevenson said she contacted Allied Waste to discuss larger recycling bins in the Borough but has not heard anything back yet.

**New Business:**

President Bauer talked about the proposed Historic Braddock Road Signs. The Borough would have to put up approximately 10 signs at a cost of \$30 per sign. Councilman Tate questioned whether that was something for the Historical Society. Councilwoman Stevenson said that the Historical Society is assisting on the project but it is not their project. President Bauer said Council can discuss it further at the next council meeting.

President Bauer said he is considering calling a Town Hall Meeting to discuss various ordinances. President Bauer said he will more information at the next council meeting.

Councilman Tate said that Mount Pleasant Borough Council went on record to save Ramsay Elementary School from being closed. Councilman Tate said that the school district has put a lot of work into the elementary school and we should commend them for the improvements.

**Reading of Communications:**

Borough Manager Landy read the following communications:

- KU Resources Inc will be holding an economic seminar May 22<sup>nd</sup> from noon to 1:30pm at the Lamplighter Restaurant in Delmont PA.
- Congressman Critz sent a letter thanking Mayor Lucia and Council for their kind words and support and said “Mount Pleasant is in good hands”.

**Discussion and Payment of Bills:**

A motion was made by Councilman Pritts to pay all authorized and approved bills. Motion seconded by Councilman Beranek. Motion carried 8-0.

**Miscellaneous and Adjournment:**

A motion was made by Councilman Beranek to adjourn the meeting. Motion seconded by Councilman Pritts. Motion carried 8-0.

**Meeting Adjourned 9:29pm**



### **Motions from May 7, 2012 Meeting**

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