

Meeting July 23, 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 and Councilman Pritts' Father who passed away this week. President Bauer directed Borough Manager Landy to take roll. Councilmen McCloy, McFeaters, Pritts, Snyder, Tate and Councilwomen Bailey, Stevenson and Ruszkowski 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 July 2, 2012 since Council has been provided with a copy. Motion seconded by Councilwoman Ruszkowski. Motion carried 9-0.

Public Comment: None

Speakers: None

Mayor's Report:

Mayor Lucia said that there is still vandalism occurring in the Borough although the police are closer to arresting the individuals responsible for painting the signs. There have also been more cars broken into. Mayor Lucia said he believes that residents are seeing the break-ins happening but are not informing the police. Mayor Lucia urged people to call the police when they see a crime being committed. The person reporting the crime will remain anonymous.

Mayor Lucia said that Police Chief Ober is looking for more part-time police officers. Mayor Lucia said that Mount Pleasant has trained many police officers who start part-time in the Borough before getting a full-time position with another department. Hiring part-time officers is still the most cost effective way of manning our police department.

Mayor Lucia said that the 2nd Annual Wounded Warrior Project Motorcycle Run will be held this Saturday, July 28th. The bike run will start at Veterans Park at 12 noon. There will be a dinner and raffle at the Mount Pleasant VFW after the run.

Mayor Lucia said he received a letter from a Tammy Zelmores, a resident of the Borough, thanking him and Council for everything they do to make Mount Pleasant a great place to live. Tammy said that her and her children enjoy all that the Borough has to offer from the July 3rd Celebration to the Mount Pleasant Glass & Ethnic Festival as well as the available hometown shopping.

Solicitor's Report:

Solicitor Wolfe reported that on July 18, 2012 he represented the Borough at a hearing before Judge Marsili regarding the complaint filed by the Landlord Association. The Borough was prepared to submit evidence and testimony, but the court went through on the motion to dismiss the complaint. The Mount Pleasant Landlord Ordinance is based in part on the Berwick Ordinance and a suit was filed years ago to challenge the Berwick Ordinance based on the same arguments the landlords are raising here and were rejected. Other challenges were pursued by the landlords in the state courts and the Commonwealth Court issued a decision at the end of June 2012 affirming the decision on all other challenges to the Berwick Ordinance. Mr. Wolfe feels that is a very relevant and favorable outcome the Judge offered an opportunity to further brief whatever issues we want him to hear. Mr. Wolfe said he anticipates filing that brief on Thursday, the Landlords will have 10 days to reply and Mr. Wolfe feels the Judge will decide without any further argument or hearing. Mr. Wolfe stated that these ordinances are in effect in almost every state and no one has yet produced a single opinion from any jurisdiction in which any court has said the ordinance is unconstitutional or illegal. Mr. Wolfe said that the Landlord Associations cites that since there is the ultimate penalty of imprisonment, the Borough is not allowed to charge any type of filing fee to challenge the citation because you can't make a person pay money to avoid imprisonment. Therefore, Mr. Wolfe feels those 7 or 8 words should be taken out of the ordinance.

Councilman McFeaters questioned Attorney Wolfe on whether this process could extend for five years as was the case with Berwick. Attorney Wolfe said that if the Landlord Association decided to go forward if a decision is made by the Judge in favor of the Borough they could do so, but there is not one piece of authority that they can cite that supports their position. If the Landlord Association would file an appeal Mr. Wolfe said that he would immediately seek sanctions for a meritless appeal.

Mayor Lucia said that he and some of Council would like to see a flyer printed and distributed outlining the Borough's position on this argument. Mayor Lucia said that some of the residents may be confused and only hearing one side of the argument.

Treasurer's Report:

Borough Manager Landy read the following Treasurers Report for the month of June 2012:

Mt. Pleasant Borough Treasurer's Report		Jun-12			
		Previous Balance	Deposits	Disbursements	Balance 2012
General Fund Checking	PNC 00-0122-3513	50,000.00	169,454.55	168,802.55	50,652.00
General Fund Sweep	PNC 10-1149-3394	766,938.28	54,188.08	92,083.90	729,042.46
General Fund Budgetary Reserve	PNC 102-457-4388	63,251.21	7.52	0.00	63,258.73
**Fire	30,000.00				
**Police	0.00				
**Streets	10,000.00				
**Contingency Fund	23,258.73				
General Fund Budgetary Reserve	Standard Bank 321615	407,706.16	67.02	0.00	407,773.18
**Police	60,000.00				
**Streets	80,000.00				
**Contingency Fund	96,184.97				
**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	3,000.00				
**Fire	10,000.00				
**K-9	8,581.38				
Liquid Fuels PLGIT	PLGIT 56980126	110,442.31	1.49	4,629.53	105,814.27
Monument CD	Standard Bank 328188	6,023.34	0.00	0.00	6,023.34
Holiday Lighting Fund	Standard Bank 050004849	1,801.32	0.07	0.00	1,801.39
Payroll Fund	PNC 00-0122-6415	1,452.08	53,909.53	53,851.62	1,509.99
Veterans Park Fund	First Niagara 981293700	4,509.99	0.00	1,095.00	3,414.99
Veterans Park Fund	PLGIT 5698025	11,261.03	0.16	0.00	11,261.19
Police Drug Enforcement	PNC 10-1291-2642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	613.11	0.03	0.00	613.14
Medic 10 Checking	Standard Bank 0010107643	102,935.50	27,639.88	63,620.81	66,954.57
Medic 10 Savings	Standard Bank 0310000238	96,237.20	25,378.15	0.00	121,615.35
Storm Water Retrofit Phase II	PNC Bank 10-3388-4556	25,739.21	29,215.31	14,800.00	40,154.52
Total General Fund Balance					1,610,739.62
WWT Operational Acct	Standard Bank 0320012280	286,099.11	27,476.98	44,211.76	269,364.33
WWT Savings	Standard Bank 0050021008	62,257.99	10.23	0.00	62,268.22
WWT Budgetary Reserve	Standard Bank 0000287245	147,855.88	24.30	0.00	147,880.18
**Contingency	87,855.88				
**Infrastructure	60,000.00				
Total WWT Balance					479,512.73
Total Borough funds					2,090,252.35

Respectfully Submitted:
 Councilwoman Susan Ruszkowski
 Secretary Beverly Fedorchak

A motion was made by Councilman Pritts to accept the Treasurers Report as read. Motion seconded by Councilman Snyder. Motion carried 9-0.

Presidents Report:

President Bauer said that there will have to be some changes to the Library Board because he and Councilwoman Stevenson are unable to attend the meetings since they are held at 10am during the week. President Bauer also said that he has not received any of the information that he requested as a board member.

A motion was made by Councilman Pritts to remove Joe Bauer and Cindy Stevenson from the Mount Pleasant Library Board. Motion seconded by Councilwoman Ruszkowski. Motion carried 9-0.

A motion was made by Councilwoman Stevenson to appoint Diane Bailey and Jeff Landy to the Mount Pleasant Library Board. Motion seconded by Councilman Snyder. Motion carried 9-0.

A motion was made by Councilman Pritts to appoint Albert Beranek to the Mount Pleasant Planning Commission to replace Dale Walker Jr. who resigned. Motion seconded by Councilman McCloy. Motion carried 9-0.

A motion was made by Councilman Pritts to nominate Councilman McCloy as Vice-President of Council since the resignation of Albert Beranek. Motion seconded by Councilwoman Ruszkowski. Motion carried 9-0.

No other nominations were presented. Councilman McCloy was elected as Vice-President of Council.

President Bauer announced the following Committee Chairmen:

Waste Water Treatment - President Bauer
Streets - Councilman Tate
Public Safety - Councilman Snyder
Zoning & Ordinance - Councilman McCloy
Parks & Recreation - Councilman McFeaters
Finance & Human Resources - Councilwoman Ruszkowski
Property - Councilman Pritts
Community & Economic Development/Grans - Councilwoman Bailey
Sanitation & Recycling - Councilwoman Stevenson

President Bauer said that he would like to put Councilwoman Stevenson in charge of a new committee for Communications. President Bauer said he would like to see a quarterly newsletter for residents of the Borough informing them of what Council is doing and what they have planned as well as a schedule of council meetings and garbage pickup etc. It would also be an opportunity for each committee to include an article if they wanted to. President Bauer said he would like to see something by December 1, 2012 and have it out to the residents by the end of the year. President Bauer said he would like to include Councilwoman Bailey and the borough office staff to assist with the newsletter.

President Bauer said that the Gingerbread Contest will be held this year. It will be important to get the word out about the contest. Chris Barnhart will be in charge of the contest and she will have a place at the Glass & Ethnic Festival. Information about the contest will also be on the Mount Pleasant Borough web-site. President Bauer said he would not be against replacing the Premoshis Displays this Christmas with the gingerbread houses.

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

Executive Session 7:50pm to 8:34pm

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

Borough Manager's Report:

Borough Manager Landy gave the following report:

- Borough Manager Landy said that there is a problem with the Town Clock. George Hockenberry from the church contacted Verdin Co. who do the repairs and maintenance on the clock. Verdin Co. reported that the motor is not working and the bearings are shot. Verdin Co. also said that they cannot repair the motor. Street Supervisor Mario Fontanazza recommended Hodge Electric Motors. Hodge said that they can repair the motor and have worked on it previously. Mr. Landy said that we are going to take the motor off and give it to them to be repaired.
- Mr. Landy said that there is a senior at Mount Pleasant Area High School who would like to paint the fence at Jack Bobb's Park for his senior project. He will also supply the paint. So if Council has no objections Mr. Landy will call tomorrow and approve the project.
- Mr. Landy said that there are trees overhanging a paper alley at 776 W. Vine Street. One of the trees fell and damaged someone's garage. The owner of the garage said that he will fix his garage, but he wants someone from the Borough to remove the fallen tree. Mr. Landy said that he and Councilman Tate would look at the tree and get back to Council.
- Mr. Landy said that he and Mayor Lucia applied for two grants for the Mount Pleasant Volunteer Fire Department. IBTS from Somerset is doing the grant applications. One grant is for \$450,000 to purchase a new fire truck and one is for a heated cement apron at the Central Fire Station.
- Mr. Landy asked Council to look at the schedule of gas revenues they have been provided. The revenues from the gas wells have dropped. It is difficult to determine how much money will come from

the gas wells each year and that is the reason a conservative number is put in the budget for gas well revenue.

- Laurelville Mennonite Center is having a ribbon-cutting ceremony and borough officials are invited to attend. The ceremony will be held on Wednesday July 25, 2012 at 2pm. The Center received free playground equipment from the Mount Pleasant YMCA and they would like the Borough to participate in the ceremony.
- Mr. Landy said that a meeting with borough engineers is scheduled to tie up all of the loose ends from the Rain Garden Project including the rain garden at Frick Hospital as well as residential rain gardens.
- Mr. Landy and Councilman Tate had a meeting with the Mount Pleasant Area School District regarding the tennis courts. The decision was made to remove two of the tennis courts and refurbish the other two with new lighting and a new fence. The school district would like to know how much money the Borough can contribute to the project. Mr. Landy told them that the borough can contribute \$25,000 over 10 years as an interest free loan and the school district accepted that offer. The Borough will also pay \$500 per year as a maintenance agreement.

A motion was made by Councilman Snyder to suspend the rules for a motion to approve an agreement with the Mount Pleasant School District for the tennis courts. Motion seconded by Councilman Pritts. Motion carried 9-0.

A motion was made by Councilman Snyder to approve an agreement between Mount Pleasant Borough and the Mount Pleasant Area School District regarding the tennis courts. The Borough will pay the School District \$25,000 over 10 years with no interest and another \$500 per year to cover Maintenance of the tennis courts. A sign will be put up stating that the tennis courts are refurbished in cooperation with Mount Pleasant Borough and the Mount Pleasant Area School District. Motion seconded by Councilman Pritts. Motion carried 9-0.

Borough Manager Landy reported that the monthly Safety Meeting was held. No accidents were reported and emergency care was discussed.

Borough Manager Landy said that Hallie Chatfield, Westmoreland County Redevelopment Authority will be in charge of the demolition of the borough property at 100 W Main Street and April Kopas, Westmoreland County Redevelopment Authority will be involved with the parklet and parking area project on the site. The demolition was approved right away. County officials are excited about the parklet project. Architect Jim Gayton did an artist rendering at no charge. It will be historical because the coke oven will be there and the Westmoreland County Conservation District approves the design because run off from the parking lot will actually drain into the parklet so the grass and plants are watered automatically. The clock is from the original theater on the property and the brick for the walls will also come from the theater.

Mr. Landy said that he spoke to representatives from Shop Demo Depot and they said that they are organizing volunteers to remove the trees where the bike trail extension will be. They also asked if the Borough would donate the old meters that are no longer being used to them.

Waste Water Treatment Report: None

Street Report:

Councilman Tate said that the Street Department has been working on the project at Willows Park. They have removed railroad ties and are bringing in some gravel.

Councilman Tate said that Jeff McGuinness measured some alleys in the Borough that we will pay Mount Pleasant Township to tar & chip for us. Councilman Tate said Mr. McGuinness will give the list to the Township and they will start as soon as they are able.

Councilman Tate said that some of the alleys in the Borough have trees growing over them making it difficult to see when you are pulling out onto the street in a truck. Councilman Tate said that letters will be sent to the property owners to trim the trees.

Public Safety Report: None

Zoning & Ordinance Report:

Councilman McCloy said Council received a letter from Robert Altman regarding McCali Manor. Mr. Altman wants to be able to bag the meters during an event and he wants a handicap parking space in front of the building. A discussion ensued regarding the pros and cons of allowing McCali Manor to bag the meters in front of their building during events. Council decided to allow the handicap space in front of the building but not to allow them to bag the meters. The borough office will send a letter to Mr. Altman stating Council's position.

A motion was made by Councilman McCloy to suspend the rules for a motion to put a handicap parking space in front of McCali Manor on Main Street. Motion seconded by Councilman McFeaters. Motion carried 9-0.

A motion was made by Councilman McCloy to approve a handicap parking space in front of McCali Manor on Main Street. The Borough will install the handicap space on the corner of Diamond Street and Main Street in front of McCali Manor. Motion seconded by Councilman McFeaters. Motion carried 9-0.

A motion was made to approve Resolution 2012-10 to add the fee of \$350 for the cost to appeal the ruling of a landlord Occupancy Inspection. Motion seconded by Councilman Tate. Motion carried 9-0.

Councilman McCloy explained that the discussion at the last meeting regarding the donation to the Library, was only to lower the minimum from \$7,500 to \$5,000. That does not mean that the funding for the Library has been cut. It only means that if the Borough is having a hard time balancing the budget they could donate the \$5,000 without going against an ordinance. Solicitor Wolfe explained that in order for the Library to qualify for state aid it has to show an effort to raise a certain amount of funds. The idea behind the donation from the Borough is to help the Library to meet that requirement. Mr. Wolfe said that the donation could also be contingent on receiving the bylaws and financial documents the Borough requests from the Library.

The discussion regarding McCali Manor to bag the meters in front of their business resumed.

A motion was made by Councilman Tate to deny McCali Manor permission to bag the parking meters in front of their business. Motion seconded by Councilwoman Stevenson. Motion carried 9-0.

Community & Economic Development/Grants Report:

A motion was made by Councilwoman Bailey to approve Resolution #2012-09 and cooperative agreement to authorize the filing of a proposal for funds with the DCED by the Redevelopment Authority of the County of Westmoreland for development of 100 W. Main Street. Motion seconded by Councilwoman Stevenson. Motion carried 9-0.

Veterans Park Report:

Councilman Tate said that the committee is meeting with the vendors involved in the Mount Pleasant Veterans Park Video Wall and it is possible that the Video Wall could be in place by Veterans Day.

Parks & Recreation Report:

Councilwoman Ruszkowski said that she met with HDH Group Insurance and they said that if Council wishes to go forward with a dog park it would cost \$1,000 more per year and they would like the Borough to consider the following:

- That the area be no less than one acre in size
- Enclosed by a four to six foot fence with a double gate at each end.
- There should be adequate shade, water and drainage.
- Parking close to the site.
- The surface should be grass on sand.
- Maintenance should be provided.
- Adequate covered garbage cans, pooper scooper stations and disposable bags with trash removal.
- Benches for people to sit.
- The area should be in a safe location.

HDH also provided General Rules and Procedures along with a Dog Park Use Waiver. Mr. Landy said that in order to have a dog park and insure it the Borough would have to meet all of these conditions and anyone who used the park would have to register with the Borough stating that their dog was up to date with all of its' shots etc.

Councilman McFeaters asked what Council thought we should do with the old volleyball court since it is not being used as a dog park and President Bauer said he would like to see the fence removed and the area used as a parking lot.

Finance Report:

A motion was made by Councilwoman Ruszkowski to approve Resolution 2012-08 adopting written procedures on how professional services are chosen for the Borough's pension plans in order to comply with Act 44 of 2009. Motion seconded by Councilwoman Stevenson. Motion carried 9-0.

Councilwoman Ruszkowski said the Borough received a letter from Attorney John Toohey stating that he recommends that the Borough approve settlement of the appeal by Mount Pleasant Windsor Housing for P. Slope Hill Townhomes. The School District has already approved the settlement.

A motion was made by Councilwoman Ruszkowski to suspend the rules for the purpose of a motion to approve the tax settlement for P. Slope Hill Townhomes. Motion seconded by Councilman McCloy. Motion carried 9-0.

A motion was made by Councilwoman Ruszkowski to approve the tax settlement for Windsor Housing for P. Slope Hill Townhomes in the amount of \$1,450 after confirming with the Mount Pleasant Tax Collector to make certain that we collected the taxes on this property and receive a bill from the County. Motion seconded by Councilman McCloy. Motion carried 9-0.

Property Report:

Councilman Pritts said that he is working with Street Supervisor on replacing the outside door on the second floor of the Municipal Building.

President Bauer asked if a decision has been made on the design for the Welcome to Mount Pleasant sign. Councilman Pritts said that his committee has decided on a design.

President Bauer said he would like to see the sign at the old PNC Drive Thu competed by installing a soft electronic board in the middle that would be used for Borough announcements and other things.

Sanitation & Recycling Report:

Councilwoman Stevenson said that Thursday evening at the In Town Shops beginning at 7pm the Historical Society will host two speakers who will talk about the Great Allegheny Passage and other trail towns and what the trail has meant to their community. Councilwoman Stevenson said she would encourage anyone interested in the development of Mount Pleasant to attend.

New Business: None

Reading of Communications:

Borough Manager Landy read the following communications:

- Attorney Mark Wible sent a letter resigning as Solicitor of the Mount Pleasant Zoning Hearing Board.
- Mr. Landy said he received several letters and emails from people who support the Mount Pleasant Public Library and want Council to continue to support them financially.

Discussion and Payment of Bills:

A motion was made by Councilman Pritts to pay all authorized and approved bills. Motion seconded by Councilwoman Ruszkowski. Motion carried 9-0.

Miscellaneous and Adjournment:

A motion was made by Councilman Pritts to adjourn the meeting. Motion seconded by Councilwoman Stevenson. Motion carried 9-0.

Meeting adjourned 9:34pm

Motions from July 23, 2012 Meeting

A motion was made by Councilwoman Stevenson to dispense with the reading of the minutes of July 2, 2012 since Council has been provided with a copy. Motion seconded by Councilwoman Ruszkowski. Motion carried 9-0.

A motion was made by Councilman Pritts to accept the Treasurers Report as read. Motion seconded by Councilman Snyder. Motion carried 9-0.

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