

## **Meeting September 22, 2008**

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

### **Reading of Previous Minutes:**

A motion was made by Councilman Bauer to dispense with the reading of the minutes of September 2, 2008. Motion seconded by Councilman Slater. Motion carried 7-0.

### **Public Comment:**

Don Cramer, 242 Orchard Hill Drive, and Tracy Cramer 242 Rear Orchard Hill Drive, Mount Pleasant asked Council's assistance with a parking problem. Mr. Cramer has off-street parking at his home, but cannot back out of his parking area because of people parking on the other side of the street. Mr. Cramer showed Council pictures of the problem. Councilman Bauer said that he was unsure if parking is allowed on both sides of Orchard Hill Drive or only one side. President Tabita said he will turn the problem over to committee to research.

### **Speakers:**

Tammy Cappel, Municipal Employees Insurance Trust presented Council with an alternative to the present health care coverage for borough employees that would include a Borough funded deductible and would offer a monthly premium savings to the Borough.

Bob Keeler, Coal & Coke Trail updated Council on the progress of the Trail. President Tabita said that the Borough is very excited about the Coal & Coke Trail. The only problem is that it is under utilized and under promoted. Mr. Keeler said that the trail is in need of money and a visible trailhead where there would be adequate parking and where a bulletin board could be erected promoting local businesses. Anything Council can do to help will be appreciated. Mr. Keeler said he would like to see a parking lot on the side of the railroad tracks at the beginning of the trail. President Tabita said it would be much safer if trail users did not have to cross the railroad tracks and Mr. Keeler said he spoke to the railroad concerning a pedestrian crossing. Mr. Keeler said that people will come to Mount Pleasant to ride the trail if it is easily accessible. A visible access right off of Route 31 where people traveling through Mount Pleasant will see it would be the best solution. President Tabita said that if it is possible, money for the trail will be included in the 2009 budget. Borough Manager Landy asked Mr. Keeler to email the minutes of the Coal & Coke Trail meeting and he will make them available to Council.

### **Mayor's Report:**

Mayor Lucia reported that the Police have been patrolling the streets and citing motorists for speeding and stop sign violations.

Mayor Lucia said that the Glass and Ethnic Festival will begin this week on September 26<sup>th</sup> and anyone wanting to help can meet with him and Mr. Landy.

### **Solicitor's Report:**

Solicitor Toohey said that the final Donation Agreement with Levin's for the Bridgeport Street property is ready to be signed.

President Tabita asked for a legal opinion on whether the Borough could get involved with a church for joint functions. Solicitor Toohey said that Council should always be

Careful not to make it appear that the Borough is sponsoring a religious function even if it is not a specific denomination. President Tabita asked if that would limit the ability of the Borough to include prayer beyond the Benediction and Invocation and Solicitor Toohey said the traditional thinking is to limit it to those two.

Borough Manager Landy said that he received letters from a resident on Orchard Avenue regarding erecting a fence that would block a paper alley who is waiting for a response from Solicitor Toohey. Solicitor Toohey reiterated to Council that if a paper alley is laid out and unopened by the Borough for 21 years the public's right is lost. The legal interest of the property then is divided evenly by the adjoining properties. But if there are sewer or other lines under the paper alley the Borough has an easement over the property which is to be unfettered and unobstructed. The situation with the resident on Orchard Avenue has the potential of going into court if it cannot be resolved. One way that has been used in other municipalities is granting a revocable license, which would be a limited legal right to enter onto someone else's property with the understanding that it can be revoked at any time. These licenses would have to be granted to anyone who asked without discrimination. If the paper alley has no lines running under it and the property is divided 50/50, that division is not actually recorded anywhere. Also, any property owner in the plan continues to have the right to use the right-of-way.

Mr. Toohey said that a letter stating the Borough's position was sent to Ms. Wisniewski, 754 Orchard Avenue on Friday September 19th. Ms. Wisniewski was informed that the Borough's position was that she could not erect the planned fence.

A motion was made by Councilman Slater to suspend the rules for a motion to authorize Solicitor Toohey to proceed with a stop order on the Wisniewski property at 754 Orchard Avenue grass right of way. Motion seconded by Councilwoman Ruszkowski. Motion carried 7-0.

A motion was made by Councilman Slater to authorize Solicitor Toohey to issue a Stop Order to 754 Orchard Avenue for erection of a fence over the right of way if it is deemed necessary after Attorney Toohey reviews the information. Motion seconded by Councilwoman Ruszkowski.

Councilman Slater explained a situation involving a sewer line behind the Sunoco Station. During the CSO Project the contractor parked heavy equipment on top of this sewer line. Mount Pleasant WWT personnel cameraed the line and found that it is cracked and blocked at one point. Councilman Slater said that he spoke with Widmer Engineering stating that he feels it is the responsibility of the contractor to repair the line. Norm Stout, WWT Supervisor said that the line was cameraed two years ago and showed no cracks at that time. Solicitor Toohey said that if the Borough can prove that the contractor caused the damage we can hold them responsible for the repair. A claim would have to be submitted to the contractor. Insurance and Performance Bonds are ways to collect the cost from the contractor. The Borough would have to immediately notify the contractor of the claim.

**Treasurer's Report:**

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

**Mt. Pleasant Borough Treasurer's Report:  
Aug-08**

		<b>Balance</b>	Aug-07
General Fund Checking	PNC 001223513	50,000.00 \$	51,529.00
General Fund Sweep	PNC 11493394	563,322.74 \$	529,761.25
General Fund Budgetary Reserve	PNC 10-2457-4388	101,701.32 \$	-
Total General Fund Balance		715,024.06 \$	581,290.25
WWT Operational Acct	Standard Bank 0320012280	284,179.45 \$	333,410.88

WWT Certificate of Deposit		150,000.00	\$	150,000.00
WWT Budgetary Reserve	Standard Bank 287245	50,685.12	\$	-
Total WWT Balance		484,864.57	\$	483,410.88
Liquid Fuels PLGIT	PLGIT 56980126	123,138.81	\$	131,416.24
Monument CD	Standard Bank 242781	5435.94	\$	5,000.00
Holiday Lighting Fund	Standard Bank 050004849	257.35	\$	67.78
Payroll Fund	PNC 01226415	1,161.82	\$	1,620.25
Recreation Account	Standard Bank 5003289	1,905.34	\$	1,900.57
Veterans Park Fund	National City 981293700	4,777.09	\$	3,805.50
Veterans Park PLGIT	PLGIT 5698025	11,110.19	\$	10,743.26
Police Drug Enforce.	PNC 1012912642		\$	850.50
Town Clock Fund	Standard Bank 0010038847	610.41	\$	608.88
		25258.14	\$	24,596.74
Respectively Submitted:				
Councilwoman Susan Ruskowski		1,348,285.58	\$	1,220,714.11
Borough Manager Jeffrey Landy				

Mr. Landy pointed out to Council that a column has been added to the Treasurer's Report that shows where we were last year at this time. We actually have \$29,000 more in our accounts this year than we did last year.

### **President's Report:**

President Tabita said that the appointment of Ms. Susan Ruskowski to the vacant council seat will require her to resign from the Mount Pleasant Zoning Board and someone appointed to that board to fill the vacancy.

A motion was made by Councilwoman Ruskowski to resign her position on the Mount Pleasant Zoning Board effective September 22, 2008. Motion seconded by Councilman Bauer. Motion carried 7-0.

A motion was made by Councilman Bauer to appoint Michele Premoshis to the Mount Pleasant Zoning Board to replace Susan Ruskowski. Motion seconded by Councilwoman Ruskowski. Motion carried 7-0.

President Tabita made the following changes to council committees:

- Streets and Recreation will become one committee and Councilman Slater will be Chairman of that committee.
- A new committee for Community Economic Development and Grants with Councilman Crivella as Chairman.
- Renamed Business/Economic & Contracts to Community Eco-Green. Councilman Wiltrout remains Chairman of this committee.
- The Finance committee will oversee vendor contracts with Councilwoman Ruskowski as Chairwoman.

President Tabita thanked the Ministerium and everyone involved in the 9/11 Ceremony this year. This program is an example of how the Borough will work forward from here and accomplish our goals for these programs in the future.

### **Borough Manager's Report:**

Borough Manager Landy reported the following:

- The 2009 Minimum Obligation for the Non-Uniform Pension is \$43,436.
- The 2009 Minimum Obligation for the Police Pension is zero.
- Thomas Russell from Mount Pleasant has requested that the Borough allow him to clean and paint the inside of the Frick Park restrooms as his senior project.
- Mr. Landy has received numerous complaints about residents in the Borough who have yard sales week after week. The Borough does not have an ordinance regarding yard sales.

- Mr. Landy was told by Central Westmoreland Council of Governments that they did not approve a salt bid this year that came in at \$100 per ton. He then spoke with Mount Pleasant Township and they said that they received a bid from Penn Dot for \$51.99 per ton. Next year we should look at Penn Dot for our salt needs. Mr. Landy spoke with Mario Fontanazza about mixing anti-skid material with our salt to make it go further. Councilman Bauer said he is against that. Mr. Landy said that officials from Mount Pleasant Township will talk to their Solicitor to see if we could buy salt from them. We currently have approximately 600 tons. Our salt spreaders will have to be calibrated.
- Kriebel Resources would like their street bond released. But Mayor Lucia and Mr. Landy feel there are still some problems.
- The mirror has been erected at PNC Bank.
- Terminex has offered some recommendations for our Municipal Building and Mr. Landy said he passed this along to the Property Committee.
- Premier Audio Video will give us a bid on a sound system for Chambers.

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

Councilman Tate said that the tree by Beranek's that was struck a couple of years ago needs to be cut down. He suggested using the same company that removed the trees for Verizon. Borough Manager Landy said he would get the name of the company.

Councilman Tate said he would like to contact Widmer Engineering about replacing the damaged building at WWT with a steel building. Mr. Landy said that since the Borough leases the WWT Plant from the Mount Pleasant Municipal Authority, maybe we should approach them about paying for the new building since the building is an asset. Councilman Tate said that the Borough is not paying any rent for the WWT Plant and it may be best if we absorb the expense.

### **Public Safety Zoning and Ordinance Report:**

A motion was made by Councilman Bauer to hire Michael Coppetti, New Stanton, as a part-time police officer for the Borough at a rate of \$10.00 per hour. Motion seconded by Councilman Tate. Motion carried 7-0.

Councilman Bauer questioned an invoice from Traffic Systems that he feels should not come out of the Public Safety budget because it was a PA One Call that was not handled by the Street Department. Council decided that since there is money in the Public Safety budget for traffic signal repair that we should use that line item, but that in the future the Street Department should be more diligent in responding to the PA One Calls and inspecting the drawings for traffic signal conduit that are on file at the borough office.

Councilman Bauer asked Borough Manager Landy to contact Keystate Publishers for samples of ordinances pertaining to cat control, landlord registration and violators of Megan's Law.

Councilman Bauer reported that Mayor Lucia found a 1998 70ft Ladder Truck for a price of approximately \$385,000. We would also trade in the Snorkel Truck. The Ladder Truck has 6,000 miles on it and 3,000 of those miles are for the initial trip from the manufacturer to the purchaser in Arizona. This Ladder Truck is equipped with a Crew Cab and will haul six firemen. The present Snorkel Truck can only accommodate two firemen, so when we get to the fire there is no crew. Mayor Lucia said that the Borough and VFD will have to look at what financing is available, if grant money can be found and whether Excelsior Health would be interested in defraying some of the cost. Mayor Lucia explained that the Borough's ISO rating will go down if we purchase the Ladder Truck. The Snorkel truck was purchased in 1974 as a joint venture between the VFD and the Borough at a cost of \$75,000. The difference between the present Snorkel Truck and the proposed Ladder Truck is the height that can be reached on a building during a fire. The Ladder Truck can reach approximately four stories, the Snorkel Truck much less. Mayor Lucia said that an employee of the manufacturer of the Ladder Truck was present during a demonstration of the truck and said that the Borough should not pass up the opportunity to purchase it. President Tabita said that Council should consult with our

auditors, Sarp & Co. for advice. Mayor Lucia pointed out that if we purchase this Ladder Truck one of the Fire Engines could be eliminated. Mayor Lucia said that the seller would like a letter on VFD letterhead with an offer and if we get more serious about purchasing it a \$10,000 deposit would be required. Council agreed that the VFD should continue to negotiate with the seller and Borough Manager Landy will pursue grant money from Senator Murtha.

A motion was made by Councilman Bauer to suspend the rules for a motion to advertise for bids to replace the equipment in the ambulance damaged by fire. Motion seconded by Councilman Crivella. Motion carried 7-0.

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Councilman Bauer said that he feels the Borough and VFD should look into purchasing a Bucket Truck for approximately \$9,000 that can be used to put up banners and Christmas decorations instead of using an expensive Fire Engine. Councilman Slater said that a Bucket Truck could also be used to trim trees.

### **Streets/ Parks and Recreation Report:**

Councilman Slater said that Kriebel Resources should be done drilling the gas well at Frick Park tomorrow. Fracking will begin the Monday after the Glass and Ethnic Festival.

Councilman Slater asked about the bids for fencing at Frick Park and Borough Manager Landy said that the ad has been placed and bids are to be at the borough office by October 30<sup>th</sup> to be awarded at the November 4<sup>th</sup> meeting.

### **Finance Report:**

A motion was made by Councilwoman Ruszkowski to authorize Borough Manager Landy to sign the 2008-2009 Local Share Assessment with Westmoreland Transit in the amount of \$1,100 budgeted under Line Item #447.01. Motion seconded by Councilman Bauer. Motion carried 7-0.

### **Property Report:**

A motion was made by Councilman Beranek to sign the Donation Agreement with Levin's as approved by the Borough Solicitor. Motion seconded by Councilman Slater. Motion carried 7-0.

Councilman Beranek said he has not received a written bid for the sign at Veterans Park and will not take shipment of the product until he receives a written bid.

The students at Mount Pleasant Area High School are excited about starting work on the Premoshis Christmas Displays.

Councilman Beranek commended Borough Manager Landy on his work with the Mount Pleasant Borough Web Site.

Borough Manager Landy said that there is now public email access to the Street Department on our web site. You can go to the web site and the Street Department link to send an email to the Mario Fontanazza, Street Supervisor. It allows the public to go directly to the Street Department with any requests or complaints.

### **Community Eco-Green Report:**

A motion was made by Councilman Crivella to participate in Westmoreland Cleanways Household Hazardous Waste Collection being held on Saturday, October 11, from

9:00am to 2:00pm at the Westmoreland Fairgrounds at a cost of \$400.00. Motion seconded by Councilman Bauer. Motion carried 7-0.

**Human Resources/Employee Contracts:** None

**Community & Economic Development/Grants:**

Councilman Crivella said he spoke with Doug Hauser of the BDA to tell him that he would be attending all of the BDA meetings in the future. Councilman Crivella will also be meeting with Borough Manager Landy to discuss future grant needs.

President Tabita said that Council needs to get an opinion from Atty Klimchock regarding selling property and a need for any council member to reclus or take a short leave of absence during the process so that hopefully at the next meeting we can get the building out for RFP.

Councilman Bauer said that this year there are some new attractions at the Glass and Ethnic Festival. Borough Manager Landy and his family have worked hard on a project that will light up the Gazebo and Mr. Landy has made the Sparkle mascot come to life. The Borough can use Sparky at the schools and other venues to promote special events and projects.

**Reading of Communications:**

Borough Manager Landy read the following communications:

- The Laurel Highlands Chamber of Commerce will have a clean up project on Main Street from 1:00pm to 5:00pm on Tuesday September 23<sup>rd</sup>. Arrangements will be made for the Street Department to pick the garbage that is collected.
- DCNR is sponsoring a grant writing workshop on November 6<sup>th</sup> in Latrobe, PA
- The Westmoreland Borough's Association meeting will be September 25<sup>th</sup> at the Westmoreland County Transit Authority office starting at 7:00pm.
- An invitation to the Gateway Medical Society's Annual Scholarship Award Gala on Saturday October 25<sup>th</sup> at the Pittsburgh Marriott City Centre, Downtown Pittsburgh where Dr. Helen Davis of the Davis Eye & Wellness Center will be honored at 2008 Physician of the Year.

**Discussion and Payment of Bills:**

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

**Miscellaneous and Adjournment:**

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

Meeting adjourned 10:18pm.

### **Motion from September 22, 2008 Meeting**

A motion was made by Councilman Bauer to dispense with the reading of the minutes of September 2, 2008. Motion seconded by Councilman Slater. Motion carried 7-0.

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

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