

Meeting December 19, 2007

The meeting of Mount Pleasant Borough Council was called to order by President Tabita at 7:15pm 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 Beranek, Crivella, Slater, Wiltrout and Councilwomen Stevenson and Ruszkowski were present. Mayor Lucia and Solicitor Toohey were present. President Tabita stated we have a quorum. Councilman Bauer arrived at 7:15pm.

Reading of Previous Minutes:

A motion was made by Councilman Slater to dispense with the reading of the minutes of December 3, 2007. Motion seconded by Councilman Beranek. Motion carried.

Public Comment:

Kevin McFeaters 826 W Washington St Mount Pleasant addressed Council concerning his interest in serving on one of the Mount Pleasant Boards or Authorities. Mr. McFeaters stated that he is employed by a construction engineering consultant company from Pittsburgh as an inspector and is a leader in his church. He is interested in becoming involved in his community. President Tabita said that there are opportunities throughout the year for citizens who are interested in serving. Mr. McFeaters gave Council his phone number 724-289-0349 so that he can be contacted.

Irene Castellano 35 N Hitchman St Mount Pleasant expressed her interest in filling any vacancies on boards or authorities in the Borough. President Tabita said he would let her know if something comes available that she would be interested in.

Mayor Lucia said it is nice to see people wanting to volunteer. President Tabita said Jonathan Kiral of Mount Pleasant has also said he would like to serve on one of the Mount Pleasant boards or authorities.

Mayor's Report:

Mayor Lucia wished everyone a Merry Christmas and a Happy New Year and hopes everyone comes back in 2008 with clear heads and ready to start the new year.

Solicitor's Report:

Solicitor Toohey presented Council with an ordinance allowing Medic 10 to hire employees or independent contractors. Solicitor Toohey said that Ordinance #470 states that Medic 10 is an arm of the Borough and Council makes decisions relating to their operation. There will have to be an amendment to the Medic 10 Bylaws that Council will make based on Solicitor Toohey's recommendations. Councilman Slater asked Mr. Toohey if employees of Medic 10 would be eligible for health insurance through the Borough and Mr. Toohey said that Council could authorize them to have whatever benefit package they would want them to have. This would not apply to independent contractors. Councilman Crivella asked if independent contractors would carry their own errors and omissions insurance. Mr. Toohey recommended that if independent contractors are used the Borough should include in the contract that they carry their own errors and omissions insurance. President Tabita said that none of this would be included in the General Fund Budget. Medic 10 will reimburse the General Fund for any costs. Councilman Slater said that right now liability insurance for Medic 10 is covered by the Borough.

Solicitor Toohey pointed out to Council that this proposed ordinance is an enabling ordinance stating that the Borough is switching from a strictly volunteer Medic 10 organization and are authorizing employees or independent contractors to enter the picture. The implementation is yet to be decided.

A motion was made by Councilman Bauer to suspend the rules for the purpose of making a motion to advertise an ordinance amending Ordinance #470. Motion seconded by Councilman Wiltrout. Motion carried.

A motion was made by Councilman Bauer to advertise an ordinance amendment for Medic 10 allowing them to have paid employees. Motion seconded by Councilman Wiltrout. Motion carried.

Solicitor Toohey said that Council asked him to look into the legality of having a Parking Authority in the Borough. Solicitor Toohey said that boroughs do have the authority to create Parking Authorities and there is

an ordinance creating a Mount Pleasant Parking Authority in the 1940's. Shelly Hough from the Pennsylvania Boroughs Association confirmed that this information is correct. Councilman Crivella said that when he became a Councilman he went to a training seminar for newly elected officials and was told that boroughs are not empowered to create Parking Authorities.

Solicitor Toohey read the following from a DCED publication:

“Parking Authorities can be formed by cities, boroughs and first class townships under the terms of the Parking Authorities law.”

The publication then goes on to explain in more detail.

Councilman Bauer asked if the Parking Authority is an arm of the Borough and Mr. Toohey said that when an authority is created they become a separate entity that self-governs. Council's power as a governing body is to appoint members to the authorities. Council cannot remove a member of most authorities at will. But there is a provision stating that Council can remove members of a Parking Authority at will.

Solicitor Toohey said that Council asked him to amend an ordinance for parking on Cherry Avenue. There is already an ordinance stating that parking on Cherry Ave is restricted to 3 hours. Mayor Lucia said that this and other parking restrictions have to be brought to the attention of the Police Department. President Tabita said that signs need to be posted. Mayor Lucia said that some other streets need changed because on Washington St. there is permit parking. From Church Street to College there is no need for limitation because there are meters allowing for 8 hour parking. From Diamond St. to Hitchman St. there are people who work downtown who park there all day. Councilman Crivella said that he was approached by a business owner who objected to residents of Main Street parking in front of their business all day. Mayor Lucia said that the ordinance states that on Main St from Eagle St. to Depot St. from 9am to 6pm Monday through Friday parking is limited to 2 hours. Councilman Crivella said that 2-hour parking should be enforced in the Borough's central business district. Mayor Lucia said that if Council wants to enforce the 2-hour parking on Main St. there must be a full-time meter attendant on duty. Councilman Crivella suggested signage. Councilman Bauer said that even if it is enforced people will be willing to pay the \$2 fine. In Shadyside the fine is \$55 and no one will support a fine that large in Mount Pleasant.

Councilman Bauer said that an emergency meeting will have to be held in the near future to go through the ordinance codification to determine fines etc. Some of the ordinances are obsolete and need to be repealed.

Solicitor Toohey said that Council has asked him about whether a judicial tax sale has been scheduled for the Gormley building. A tax sale has not been scheduled yet but the Tax Claim Bureau said that they are still under court order to do that. The Tax Claim Bureau employees are obligated to prove that proper papers have been served on the homeowner who resides in Florida before the tax sale is rescheduled. Solicitor Toohey said that the Borough was able to serve the papers they are required to serve but the Tax Claim Bureau has been unable to do so. Councilman Beranek said that someone is likely to be injured on the property before a tax sale can be scheduled. Mr. Toohey said that if the property is a hazard then condemnation is a different issue which is the direction the Borough was going. Mr. Toohey said that he had recommended that the Borough erect fencing to keep people off of the property. Mr. Toohey said that if the property is condemned the Borough has the right to demolish it. Which is the direction the Borough originally took until the County Tax Claim Bureau became involved and the direction changed. Mr. Landy said that some Gormley family members expressed an interest in buying the property at a tax sale and out of courtesy to them the Borough wanted them to be able to purchase the property under a clean title. But that was a year ago and they may not be interested any more. Mayor Lucia said that leaves the Borough with the expense of demolishing the building. Mr. Landy said that there was a quote to demolish five buildings at a reduced rate. Mark Stanton condemned the building and the Borough was going to demolish it until the Tax Claim Bureau stepped in. Mr. Toohey said that the Borough has to decide if the structure poses a safety hazard and if they will be held liable if someone gets hurt. The Borough can condemn the building and put a lien on the property for the cost of demolition. But if the Borough does demolish the building and there is a judicial sale the Borough lien may be divested. Councilman Crivella said that the Redevelopment Authority has eminent domain and perhaps they could acquire the property and sell it for redevelopment. Solicitor Toohey said that the process of eminent domain is that the Borough would have to pass a resolution and prepare a Declaration of Taking and file it with the County. There would be a 30 day period that the property owner would have to file objections and if they don't file then the Borough would have the right of entry after the 30 day period and we would own it and have possession. Mr. Toohey said that papers would have to be served and the Borough would still have to serve papers in Florida. Councilman Crivella questioned Mr. Toohey about public notification. Mr. Toohey said that public notification is used if that there is an unknown or unavailable owner. The Borough would need court approval, but that is one

approach the Borough could take. The Borough would have to satisfy the Court that we made every attempt to serve papers. Mr. Toohey said that the Borough does not need Title to the property in order to demolish it at their own expense or in conjunction with the Redevelopment Authority or County program. Councilman Wiltrout asked if we could use the fact that the County Tax Claim Bureau has been unable to serve papers in our request for public notification and Mr. Toohey said that we could provide that evidence along with our efforts and if the Court is satisfied they could issue an order. Mayor Lucia asked Solicitor Toohey for his professional opinion on how to proceed and Mr. Toohey said that if Council feels there is a real danger to the public they should proceed with demolition. Council would obtain quotes and budget for the expense. Solicitor Toohey said the Borough is protected from the Gormley family suing them for demolishing the property by taking the necessary steps through the Courts.

A motion was made by Councilman Beranek to suspend the rules for the purpose of making a motion to demolish the Gormley property on Main Street. Motion seconded by Councilman Wiltrout. Motion carried.

A motion was made by Councilman Beranek to condemn and demolish the Gormley property on Main Street. Motion seconded by Councilman Slater. Motion carried.

Mr. Toohey said that the Borough received correspondence that Greenwood Apartments and Independence Apartments have filed tax appeals to have their tax assessment reduced. The assessment on the Greenwood Apartments is \$324,970.00. The tax ratio is 5.05. Based on that assessment the property is alleged to be worth \$1641,098.00. The assessment on Independence Apartments is \$282,740.00 for an assessed worth of \$1,424,000.00. The Mount Pleasant Area School District and Westmoreland County are parties to the assessment appeal and will participate in the appeal. If the appeal gets negotiated and resolved the matter will be settled. If it doesn't there will be a trial. One of the key factors would be an appraisal. The apartment owners likely have an appraisal stating they are being over-assessed. The School District, Westmoreland County and Mount Pleasant Borough would get their own appraisal and the Borough could be asked to contribute to the cost of the appraisal based on a percent of total millage. Council can chose to get involved in the process or let the School District and Westmoreland County go forward.

Treasurer's Report:

Borough Manager Landy read the following Treasurer's Report for the month of November 2007:

Mt. Pleasant Borough Treasurer's Report:		Nov-07			
		Previous Balance	Deposits	Disbursements	Balance
General Fund Checking	PNC 001223513	52,459.00	166,050.60	168,480.60	50,029.00
General Fund Sweep	PNC 11493394	512,697.93	69,492.42	76,907.88	505,282.47
Total General Fund Balance					555,311.47
WWT Operational Acct	Standard Bank 0320012280	266,404.30	62,889.28	49,230.17	280,063.41
WWT Certificate of Deposit		150,000.00	0.00	0.00	150,000.00
Total WWT Balance					430,063.41
Liquid Fuels PLGIT	PLGIT 56980126	81,943.06	305.10	0.00	82,248.16
Monument CD	Standard Bank 242781	5,435.94	0.00	0.00	5435.94
Holiday Lighting Fund	Standard Bank 050004849	567.82	0.11	150.00	417.93
Payroll Fund	PNC 01226415	8,383.10	46,734.60	53,492.62	1,625.08
Recreation Account	Standard Bank 5003289	1,901.36	0.39	0.00	1,901.75
Veterans Park Fund	National City 981293700	3,763.79	5,035.00	15.00	8,783.79
Veterans Park PLGIT	PLGIT 5698025	10,830.32	40.32	0.00	10,870.64
Police Drug Enforce.	PNC 1012912642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	609.14	0.12	0.00	609.26
					30494.89

Respectively Submitted:

Councilwoman Susan Ruszkowski

1,098,117.93

Borough Manager Jeffrey Landy

Mr. Landy said that with this healthy Treasurer's Report we will not need a tax anticipation loan for 2008. The only issue is that when we transferred \$10,000 from the Veterans Park PLGIT account into the Veterans Park National City account to pay invoices Council said we would reimburse the PLGIT account. President Tabita said that he would like to see the PLGIT account reimbursed so that there is money for maintenance in the future. President Tabita said there could be further discussion at the next meeting.

Mr. Landy said he set up the new Budgetary Reserve accounts with PNC Bank and Standard Bank. After the Treasurer's Report in January 2008 Council can decide how much to transfer into these reserve accounts. He feels that we will be able to transfer the amount originally planned. Going back a couple of years, fund balances have never looked this good.

President's Report:

President Tabita said Kriebel Resources anticipates drilling the Frick Park gas well in January or February 2008. Kriebel has an agreement with Excelsa Health that their well is drilled before the Frick Park well. But excavating at Frick Park should begin soon. After acquiring a right of way from the Mount Pleasant Municipal Authority at their meeting in January, Willows Park gas wells at the Little League field and the Soccer field will be drilled sometime in January. Kriebel was unable to get a right of way from Cook's Lumber. The agreement with Kriebel for the wells at Willows Park has expired and they have asked for a 12-month extension on this agreement.

A motion was made by Councilman Bauer to sign a 12-month extension of the Kriebel Resources lease for gas wells at Willows Park. Motion seconded by Councilman Slater. Councilman Crivella said he feels Kriebel should provide the Borough with a performance bond of 1.5% of the money budgeted by the Borough in 2008 for these gas wells in case they are not drilled this year. Motion carried with Councilman Crivella casting the only no vote.

Borough Manager's Report:

Mr. Landy said he contacted a company who may be willing to sign a contract with a monthly fee similar to the Hoffman Kennels contract to deal with the cat problem in the Borough. He and Councilman Bauer will be meeting with this company.

Mr. Landy asked Council to clean out the baskets on their desks so that there is a fresh start in the new year and to check their mailboxes.

Mr. Landy said he attended a meeting in Scottsdale Borough on revitalization. Scottsdale Borough officials Mount Pleasant Borough officials to meet with them on multi-municipal grant applications and proposed ordinances such as a sign ordinance. Mr. Landy indicated to them that he felt Council would be willing to meet with them.

Mr. Landy said he spoke with Liberty Flag Pole Company regarding the flagpole that is leaning at Veterans Park.

Waste Water Treatment Report: None

Public Safety Zoning and Ordinance Report:

Councilman Bauer said that the first item on his agenda for 2008 is the Landlord Ordinance and the second thing will be working on the ordinance re-codification.

Councilman Bauer said that if Council said that the company who we could use to deal with the cat problem in the Borough will take the cats to the local SPCA and if too many cats are brought there he feels that some will be disposed of because it is not a no-kill facility. Mr. Landy said that the first step will be an ordinance and Councilman Bauer said that owners will have to be required to tag their cats so that if they are trapped the owner can be notified.

A motion was made by Councilman Bauer to adopt the 2008 Tax Ordinance #615 setting the millage rate at 16.0 mills. Motion seconded by Councilman Crivella. Motion carried.

A motion was made by Councilman Bauer to pay Police Officer Dan Zilli \$500 for his services as Assistant Chief of Police in 2007. Motion seconded by Councilman Slater. Motion carried.

A motion was made by Councilman Bauer to accept the bid from 911 Nerds for surveillance cameras in the amount of \$13,819. Motion seconded by Councilman Slater. Motion carried.

A motion was made by Councilman Bauer for an Executive Session for police personnel. Motion seconded by Councilman Wilttrout. Motion carried.

Executive Session 8:34pm to 9:00pm.

A motion was made by Councilman Bauer to suspend the rules for the purpose of a motion to approve the new police contract. Motion seconded by Councilwoman Stevenson. Motion carried.

A motion was made by Councilman Bauer to have Solicitor Toohey draw up the new 5-year police contract. Motion seconded by Councilwoman Stevenson. Motion carried.

Street Report: None

Finance Report: None

Property Report:

Councilman Beranek presented Council with an invoice from Mr. Rich Kujawa for his time spent putting up the Christmas decorations in the Borough. Mr. Landy said that the money could be taken from the Holiday Lighting account.

Councilman Beranek said that discussions are continuing regarding adjusting the rents for the suites in the Municipal Building to the standard rate. President Tabita said that the Borough has successfully incubated a number of businesses in the Borough. Councilman Beranek said that if the rents on some of the suites in the Municipal Building are not up to date by the first of the year he will send eviction notices to the tenants who are behind in their rent.

Councilman Beranek said he has already received requests to have Premoshis Displays in businesses in Mount Pleasant for the 2008 Christmas Season.

Business/Economic Development & Contracts Report:

A motion was made by Councilman Wilttrout to award the garbage contract to Allied Waste. The contract is a 3-year contract starting in 2008 with 2 option years. Motion seconded by Councilman Bauer. Motion carried.

Human Resource/Employee Contracts:

A motion was made by Councilwoman Stevenson to have Solicitor Toohey prepare one-year employment letters for the appropriate borough employees. Motion seconded by Councilman Wilttrout. Motion carried.

Recreation: None

New Business: None

Reading of Communications: None

Discussion and Payment of Bills:

A motion was made by Councilman Bauer to pay all approved bills. Motion seconded by Councilman Beranek. Motion carried.

Miscellaneous and Adjournment:

A motion was made by Councilman Bauer to adjourn the meeting. Motion seconded by Councilman Crivella. Motion carried.

Meeting was adjourned at 9:10pm.

Motions from December 19, 2007 Meeting

A motion was made by Councilman Slater to dispense with the reading of the minutes of December 3, 2007. Motion seconded by Councilman Beranek. Motion carried.

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