

Meeting January 22, 2008

The meeting of Mount Pleasant Borough Council was called to order by President Tabita at 7:05pm 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, Tate and Councilwomen Stevenson and Rega 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 January 7, 2008. Motion seconded by Councilman Tate. Motion carried 5-0.

The following Board and Authority members were sworn in by Mayor Lucia:

Leo Wisniewski, BDA
Nino Barsotti, BDA
Sherri Wingrove, BDA
Nat Abromson, Solicitor Zoning Board
Joe Bauer, Civil Service Commission
James Michael, Solicitor Planning Commission
Kevin McFeaters, Planning Commission
Jonathan Kiral, Planning Commission
Al Maida, Parking Authority
James Sebek, Municipal Authority

President Tabita thanked all of the new authority members for coming this evening to be sworn in and for giving back to the community.

Public Comment:

The following discussion ensued with landlords. A comment was made that it is unfair to penalize all landlords for the few individuals who have property that needs painted etc. He is against the proposed Landlord Ordinance and feels it would deter people from buying rental property in the Borough. President Tabita said there will probably be more public meetings before the ordinance is passed. Mayor Lucia said that Council is not looking to pass this ordinance simply to cause problems for landlords. Discussion of the ordinance began because landlords are not getting a Certificate of Occupancy when a new tenant moves in and this ordinance has been on the books for a number of years. Mayor Lucia said that he had a tenant come to the fire station and request batteries for his carbon monoxide detector. Mayor Lucia went to the residence and discovered that the carbon monoxide readings were very high. He did some research, found the owner of the building and called him to come and inspect the furnace. In Mayor Lucia's presence the landlord berated the tenant for calling the Fire Chief to come and inspect the furnace and find out if there was a problem. There a number of tenants in the Borough who are afraid to complain. Several have said that their landlords have already told them that if they are required to do any maintenance on the property they will be raising the rent. Mayor Lucia said that the people in attendance at tonight's meeting are responsible landlords but there are some in town who are not. He suggested once again that the landlords get together and form an association governed by them to control what happens with rental properties in the Borough. Mark Krystyniak said that the landlords that would become members of an association are the responsible landlords and the ones who are not responsible will simply not join the association. Mr. Krystyniak wants to make sure that the Borough is consistent and fair in the enforcement of any ordinance. He feels that the Property Maintenance Ordinance has not been fair and consistently enforced. Councilman Bauer said that the Property Maintenance Ordinance is new and this past year the Borough concentrated mainly on high grass and weeds and furniture and garbage in yards and on porches. Council is compiling a list now of properties in the Borough that need painted in the spring. It will be a complete and fair list and will be posted at the borough office. President Tabita said that Council has no wish to single out any particular properties. It is not Council's intention to discourage people from investing in the Borough, in fact Council is hoping to bring more investment into the Borough. Mr. Landy said that landlords need to comply with the inspection ordinance that is already on the books. He suggested that there be a database of landlords and properties owned by each. All of the landlords present said they would be willing to supply the information to the Borough. One landlord said that he feels that they are already listed on the Westmoreland County records and wonders why another list is necessary. President Tabita said he would like to see a database include the property owners name and contact information as well as the tenant name and contact information. One of the landlords asked if they could then be notified of any time the police are called to one of their properties. President Tabita said that they landlord could be notified if charges are filed or a

citation issued. That would give the landlord documentation if the tenant needs to be evicted. President Tabita said that landlords could also be notified if sewage payments are past due.

A motion was made by Councilman Bauer to extend the time limit for comments on this subject another ten minutes. Motion seconded by Councilwoman Rega. Motion carried 5-0.

Tom Yesky said that one of his properties was damaged last week when a water main broke. When he called the MAWC he was told that he could not sue them and for him to turn it into his insurance company. Mr. Yesky asked Council who is responsible to repairs to his property. Mayor Lucia said that the Municipal Authority of Westmoreland County is responsible for any damage caused by a water main break. He asked Mr. Yesky to supply him with the name of the person he spoke to at the MAWC.

Frank Pernelli, 331 S. Diamond said that even with the proposed database there will be landlords not represented. He feels the only way is to enforce the Property Maintenance Code Ordinance already on the books. He would like to see a way to get to the landlords who are not following the ordinance.

President Tabita said that inspections are required when a new tenant moves in. If any of the landlords feel they were not treated fairly during these inspections please let him know. It was suggested by one of the landlords that Council appoint one of the landlords in town as an advocate for landlords to go to with complaints about unfairness. President Tabita said that Council wants fairness and for no exceptions to be made.

Councilman Bauer assured the landlords present that Council does not wish this ordinance to be a hardship for anyone. Also, the current inspector is the best one we could find and still keep the cost of inspections low. If there are any complaints Councilman Bauer said he goes to the Council of Government meetings every month and would be glad to pass along any complaints.

President Tabita asked the landlords to please fill out the contact sheet so that the borough office can keep it on file.

Ms. Shirley Hough, Our Buddy's Place, 220 N Silver Street, Mount Pleasant requested help with a parking situation. The neighbors that are on the left of her property are parking in the spaces in front of her business that are required as by the Department of Public Welfare as "safe drop-off and pick-up spaces". They also block the designated handicapped spaces. Our Buddy's Place needs two handicapped parking spaces and three "safe drop-off and pick-up spaces". The two handicapped spaces are actually on the property and not on the public street. The neighbor is blocking access to the handicapped spaces by parking on the street. Solicitor Toohey clarified with Ms. Hough that the street in front of her business is a public street and there are no ordinances in place to prohibit parking on this street. Ms. Hough said that is correct. Mr. Toohey said in that case it would be up to Council to amend the ordinance to restrict parking on the street in front of Ms. Hough's property. Ms. Hough said Mayor Lucia said he would have the Street Department paint the curbs yellow to restrict parking and Police Chief Ober told her to put up "No Trespassing" signs. She would like a better solution. Councilman Bauer suggested signs designating a loading and unloading area from 8am to 3pm. Mr. Toohey said that the Borough has the right to designate the use of their streets ie meters etc. Mr. Toohey said that if the Borough starts locking up the streets for private use then Council has to question the impact of those decisions. The matter must be looked at from all angles and a study should be done. If an ordinance is amended it must go through the advertising process which gives the public the opportunity to express their opinions. A decision must also be made regarding access to the handicapped spaces on her property as far as access to those spaces as well as access to the driveway to the parking spaces for staff. There seems to be a disagreement among neighbors. Councilman Tate said he may be able to help with the situation. President Tabita said that Council will look into the situation and turn it over to committee and try to resolve the matter quickly.

Marjorie Williams of Mullin & Lonergan made a presentation to Council regarding zoning. She presented Council with a map identifying where conversions of single-family homes to multi-family residences is occurring in the Borough. Mullin & Lonergan did a survey and identified 127 properties as multi-unit structures not including Independence Apartments, Greenwood Apartments and any others originally built as multi-family structures.

The results of the survey are as follows:

<u>Zoning District</u>	<u>Number of Multi-Family Structures Found</u>
R1, Single Family Residential	11
R2, Two-Family Residential	59
R3, Multiple-Family Residential	25
B1, Business	32

I1, Industrial	0
H1, Hospital	0
H2, Health Care	0
E1, Elderly Residential	0

The report offered findings, including a map, and the following recommendations:

- “Up-Zoning” by creating a new R1A, Single Family Residential district and be very firm that no new multiple family dwellings are allowed in R1.
- Expand the R1 Single Family Residential District in the northwest corner of the Borough to extend south of Park Avenue.
- Revise the off-street parking standards.

President Tabita asked about the properties already multiple family in R1 Districts and Ms. Williams said that those would have to be grandfathered. The zoning runs with the property, not with the ownership therefore the grandfather status is with the building not the owner. The issue of “destruction of non-conforming uses” will have to be addressed in any zoning ordinance change to restrict how the structures are rebuilt or enlarged. There was some discussion about discrepancies on the present zoning map and the one presented by Mullin & Lonergan.

Councilman Bauer asked Ms. Williams if they would prepare a new ordinance for the Borough and Ms. Williams said that Mullin & Lonergan would provide our solicitor with the proposed language and the proposed map changes and he would prepare the ordinance. President Tabita said there would have to be public meetings before a new ordinance was adopted.

President Tabita said that it is Council’s intention to make property in the Borough attractive to potential buyers. The Borough needs its property to increase in value and have wage earners bringing in more Earned Income Taxes.

Ms. Williams said that the report is complete and Council will have to direct Mullin & Lonergan to provide the proposed language for the new ordinance. Ms. Williams suggested that the report be given to the Planning Commission for further review. Ms. Williams said that the process of rezoning would probably take a couple of months. President Tabita said that the Mount Pleasant Planning Commission should have something for Council to discuss by the work session in March 2008.

Solicitor’s Report:

Councilman Bauer said that he would like to see language in the new Police Contract stating retirement is at age 50 or 25 years service. Mr. Toohey said that if the pension fund administrator has not problem with that, Council takes this action and that is what the police want then the contract can reflect that. Mr. Landy said that when he spoke with the pension fund administrators they showed age 50 or a minimum 12 years service. Mr. Toohey said that he and Mr. Landy could have a conference call with PMRS this week to resolve this issue. Mr. Landy said that a representative from the pension fund is coming in February to go over the plan.

President Tabita said that Council is still looking for final word on the Gormley and DiNicola properties. Solicitor Toohey said that Council was going to erect a chain link fence at the Gormley property for safety and that still needs to be done. President Tabita asked Mr. Toohey if any fines should be imposed on the owners of these properties and Mr. Toohey said that the DiNicola property is in the court system and Council was to decide whether to demolish the Gormley property and where the money for demolish would come from. President Tabita said that we should prepare to advertise for demolition bids for the Gormley property. Solicitor Toohey reported that the Borough has some ongoing litigation but no new cases.

Mayor’s Report:

Mayor Lucia said that he is looking forward to the new year and is happy to see the police contract issue resolved. President Tabita said that the new garbage contract has also been signed and recycling will be offered to borough residents. Councilwoman Stevenson asked what the time line is for recycling in the borough and President Tabita said that Councilman Wiltrout and his committee will meet with Allied Waste to discuss where we will put the recycling bins and they should be in place by spring 2008. If residents are receptive to recycling home recycling pick-up could begin next January. If the residents can reduce the tonnage in the borough by recycling it would save everyone money.

Mayor Lucia brought up the subject from earlier in the meeting regarding parking for My Buddy’s Place. He warned that if the committee grants the parking restrictions to this day care that others in town may want the

same consideration. President Tabita agreed that it is a very complicated issue and as with anything else, consistency is important.

Treasurer’s Report:

Borough Manager Landy read the following Treasurer’s Report for the month of December 2007:

Mt. Pleasant Borough Treasurer's Report:		Dec-07			
		Previous Balance	Deposits	Disbursements	Balance
General Fund Checking	PNC 001223513	50,029.00	170,602.12	159,275.12	61,356.00
General Fund Sweep	PNC 11493394	505,282.47	40,274.04	107,350.92	438,205.59
Total General Fund Balance					499,561.59
WWT Operational Acct	Standard Bank 0320012280	280,063.41	88,186.96	56,049.65	312,200.72
WWT Certificate of Deposit		150,000.00	0.00	0.00	150,000.00
Total WWT Balance					462,200.72
Liquid Fuels PLGIT	PLGIT 56980126	82,248.16	301.79	0.00	82,549.95
Monument CD	Standard Bank 242781	5,435.94	0.00	0.00	5435.94
Holiday Lighting Fund	Standard Bank 050004849	417.93	0.08	161.09	256.92
Payroll Fund	PNC 01226415	1,625.08	46,717.90	47,031.84	1,311.14
Recreation Account	Standard Bank 5003289	1,901.75	0.41	0.00	1,902.16
Veterans Park Fund	National City 981293700	8,783.79	1,125.00	2,583.49	7,325.30
Veterans Park PLGIT	PLGIT 5698025	10,870.64	39.89	0.00	10,910.53
Police Drug Enforce.	PNC 1012912642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	609.26	0.13	0.00	609.39
					28601.88

Respectively Submitted:
 Councilwoman Chris Rega 1,072,914.14
 Borough Manager Jeffrey Landy

Borough Manager Landy said that he feels that the bank balances are healthy enough to transfer money into the budgetary reserve accounts.

A motion was made by Councilman Bauer to accept the December 2007 Treasurer’s Report as read. Motion seconded by Councilman Beranek. Motion carried 5-0

President’s Report:

President Tabita said that the meeting with the Mount Pleasant Municipal Authority was very productive and he sees an opportunity for some significant improvements to storm water flooding and separation in the Borough. Hopefully there will be some funding from grant money from Congressman Murtha.

President Tabita reported that the gas well at Willows Park is going forward. Kriebel Gas removed the batting cages at the Little League field and dug a pit. They didn’t notify anyone before hand and there were some questions. Also, on the same day, there was a delay on the Mount Pleasant Municipal Authority granting a right of way through their property but that was also resolved after a special meeting of the Municipal Authority. It will be good for the Borough when the gas well is in and producing.

President Tabita said that the Main Street Project is progressing. A couple of property owners on Main Street will have to be approached to make some significant modifications to come into compliance with the electrical code once the lines are moved.

Borough Manager’s Report:

Borough Manager Landy reported that he attended the annual Library meeting and gave the information he received to Councilwoman Stevenson. Councilwoman Stevenson said that she also had an email conversation with the Library also. Mr. Landy said that the Library is planning some good things this year. He asked the Library board to come to at least two council meetings this year and give a report on their progress.

Mr. Landy said he met with the Borough's health insurer and it is time to set up the accounts for the self-funding deductible. The insurance company is waiting for the Borough to tell them when we want to start the new plan. Mayor Lucia asked if the Borough unions and employees have to be informed and in agreement before any changes are made. Mr. Landy said that the provider will remain Highmark and the only difference will be a self-funding deductible. A representative from Highmark has agreed to meet with the employees and explain the new plan. The benefits to the employees will remain the same but it will provide savings to the Borough.

Mr. Landy said that Kreibel Gas is using Silver Street to get their vehicles to the well at Willows Park. Silver Street is bonded by Kreibel so they will be responsible for any damages caused by the vehicles.

Mr. Landy said he contacted Penn Dot and the gas and water companies regarding any projects they are planning in the Borough in 2008. The gas company has two small projects and they said if it is one of the streets we are paving this year they will help us with the cost of repaving. The water company has no projects and Penn Dot will be repaving Rt. 819 all the way through town after July. Penn Dot will also be paving Rt. 981 from Rt. 31 to the crossroads where Fox's Pizza is located.

Councilman Bauer said he would like to know if the construction company working on the CSO project is going to repave Washington Street or just leave it patched. Councilman Tate said the construction company is done on Washington Street but we should get together with them and ask them to work with us to repave the street. Council asked Mr. Landy to get clarification from the construction company on just what their plans are in the spring and see if we can't pay them to pave the entire street. Mr. Landy said that if the Borough bids this year's paving projects early we should be able to pave 30% more streets. Councilman Bauer said that he understood that the construction company for the CSO Project would pave the whole street after the project was complete. Mr. Landy said he would get clarification from Widmer Engineering on the matter.

Mr. Landy said that council members all have copies of the members of the Mount Pleasant Boards and Authorities for their information.

Waste Water Treatment Report:

A motion was made by Councilman Tate to retain Norman Stout as Mount Pleasant Borough WWT Supervisor. Motion seconded by Councilman Bauer. Motion carried 5-0.

Councilman Tate said he will have information at the next meeting on the cost of the new skid loader budgeted for WWT in 2008 that will be purchased off the state contract.

Public Safety, Zoning and Ordinance Report:

A motion was made by Councilman Bauer to retain Stephen Ober as Mount Pleasant Borough chief of Police. Motion seconded by Councilman Beranek. Motion carried 5-0.

A motion was made by Councilman Bauer to adopt Medic 10 Ordinance #616. Motion seconded by Councilman Tate. Motion carried 5-0.

Councilman Bauer said that along with the proposed Landlord Ordinance, Council needs to pursue an ordinance requiring cat registration.

Councilman Bauer asked Mr. Landy to call Keystate Publishing and ask them to wait to finalize the ordinance codification since the Borough is going to change the Zoning Ordinance and possibly adopt new ordinances.

There was another discussion regarding the proposed Landlord Ordinance in relationship to Occupancy Permits and the Property Maintenance Code Ordinance. Councilman Tate expressed concern that if Occupancy Permits are not issued consistently for all rental properties the Borough may be held liable. He feels that if the Borough stops requiring inspections it will eliminate the liability. President Tabita said that inspections and Occupancy Permits are to protect tenants from moving into an unsafe rental property. Councilwoman Rega said she feels the Borough should enforce the Property Maintenance Code and build the database of landlords and their properties instead of adding the Landlord Ordinance because she feels that the bad landlords will never really be identified anyway. Councilwoman Rega said that she does not believe the Borough is adequately enforcing the Property Maintenance Code. President Tabita said that it was decided to wait until spring to diligently enforce the Property Maintenance Code. Councilwoman Stevenson said she is concerned that when properties are cited in the spring what's to stop the owner's of the properties who are landlords from making the repairs and raising the rent of their tenants. Mayor Lucia said there is no way to stop that from happening.

Street Report:

A motion was made by Councilman Bauer to retain Mario Fontanazza as Mount Pleasant Borough Street Superintendent. Motion seconded by Councilwoman Stevenson. Motion carried 5-0.

Finance Report: None

Property Report:

Councilman Beranek said he and Borough Manager Landy are still working on replacing the floor in the Police Station but have only received one quote. He feels that if we can't get any other quotes then the job should be awarded to the person who turned in a quote. We've been trying to find someone to do the job for a year. President Tabita said that if the quote is less than \$10,000 we can give the job to the company who gave us a quote.

Councilman Beranek said that Mr. Barry Premoshis is excited to begin working on the Christmas displays for this year. President Tabita said that Councilman Beranek should ask for volunteers at the next televised meeting.

Business/Economic Development & Contracts Report: None

Human Resources/Employee Contracts Report:

Councilwoman Stevenson said she had a very nice phone conversation with the Mount Pleasant Librarian and will keep in contract with her personally since she cannot attend the Library meetings because of her work schedule.

Councilwoman Stevenson said that she feels that there will be a great deal of interest in any cat ordinance the Borough proposes because of the way people feel about their pets. Councilman Bauer said that animals are in danger the way things are now because people are killing strays and an ordinance requiring registration will only help. Then if an animal is tagged the owner can be notified if the animal is found. Councilwoman Stevenson would like Council to be prepared to explain the various options we consider.

New Business: None

Reading of Communications:

Borough Manager Landy said he received information on grant preparation and he is not aware of any being worked on presently. The seminar is being held by the PSAB at the Sheraton in Greensburg on May 28, 2008 if anyone would like to attend.

Mr. Landy said there will be a seminar on Pennsylvania Water and Waste Water Response Network on Thursday January 31, 2008 at 7:00pm at the Belle Vernon Fire Hall and it is free of charge.

Mr. Landy said he received a thank you card for Council from the Bauer family for flowers sent for the funeral of Councilman Bauer's mother. He also received notes of thanks from the Trout family for fixing their water problem and the Smithnofski family for funeral flowers.

Discussion and Payment of Bills:

A motion was made by Councilman Bauer to pay all approved and authorized bills. Motion seconded by Councilwoman Rega. Motion carried 5-0.

Miscellaneous and Adjournment:

A motion was made by Councilman Bauer to adjourn the meeting. Motion seconded by Councilman Beranek. Motion carried 5-0.

Meeting adjourned 9:30pm.

A motion was made by Councilman Bauer to dispense with the reading of the minutes of January 7, 2008. Motion seconded by Councilman Tate. Motion carried 5-0.

A motion was made by Councilman Bauer to extend the time limit for comments on this subject another ten minutes. Motion seconded by Councilwoman Rega. Motion carried 5-0.

A motion was made by Councilman Bauer to accept the December 2007 Treasurer's Report as read. Motion seconded by Councilman Beranek. Motion carried 5-0

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