

## Meeting July 21, 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, Tate, Wiltout and Councilwoman Stevenson were present. Mayor Lucia was present and Solicitor Toohey was absent, Attorney Klimchock arrived at 7:07 pm. 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 July 8, 2008. Motion seconded by Councilman Wiltout. Motion carried 7-0.

**Speakers:** None

### Public Comment:

Dave Hissem, 416 Rear Smithfield St. addressed Council regarding the definition of loitering contained in the Parks Ordinance. President Tabita stated that the term loitering was included so that individuals or groups did not loiter in the parks and be obstructive or abusive to others using the park. Chief Ober read the definition of loitering from the ordinance as: maliciously lingering, remaining, sauntering, waiting, or idling in a borough park or other public property or right-of-way, for no legitimate purpose. Councilman Tate said that the language had to be included in order to be able to evict people who were causing problems in the parks. President Tabita said that whenever someone feels the ordinance is misapplied they should first go to the police and the police will come to Council for an interpretation of the language. Mr. Hissem suggested using plain clothed policemen because the troublemakers simply wait until the uniformed officers leave. He also suggested rewriting the ordinance. President Tabita said that it will be reviewed by the committee and the Mount Pleasant Police. Mr. Hissem's daughter also addressed council regarding the matter. Mayor Lucia said that he has not received any other complaints regarding officers in the park and in fact received many complaints before the officers were in the park.

Pastor Tim Hoover, 714 Westmoreland St addressed Council about Ordinance 611 regarding the use of Veterans Park. He wanted to see what became of this issue since the discussion a month ago. Councilman Bauer mentioned that he talked about the ordinance with the Solicitor, but that no public comment was made on this Ordinance six months ago when it was created. He will revisit the issues with Solicitor Toohey and with the insurance company before Council goes any further on this issue. Pastor Hoover asked why activities other than Borough sponsored activities were allowed at the gazebo, like the movies in the park. Borough Manager Landy explained that this is a borough-sponsored event but receives support from outside sponsors who should be acknowledged. Pastor Hoover then asked how his event could be Borough sponsored. President Tabita said that he would have to talk to the Solicitor referring to the separation of church and state. President Tabita asked Atty. Klimchock about the Borough sponsoring a religious function. Atty. Klimchock stated that there is a difference between public and private events, saying that the Borough would have to fully control a Borough sponsored public event. President Tabita clarified that Reverend Hoover wanted a day of prayer at the gazebo. Councilman Bauer said that there are several locations in the Mount Pleasant area that would actually be better for an event of this kind because noise at the Gazebo from vehicles can be very disruptive. Atty. Klimchock said that if the Borough sponsored a day of prayer that it could cross the separation line between church and state. Further investigation into that law would be required so that the Borough does not conflict with the United States Constitution.

Pastor Hill, Bridgeport United Methodist Church, addressed the previous speaker's issue. She said that she is the president of the Mount Pleasant Minsterium that encompasses Mount Pleasant and the surrounding areas. She said that she submitted a letter to apply for an application to use the Free Speech Area of Veterans Park but never received the application. Borough Manager Landy said that there was a verbal agreement. He also stated that the event still took place regardless of having a written application. Pastor Hill said that the event did not go the way she would have wanted. Further discussion about that event ensued. Pastor Hill stated that there was a Day Of Prayer held a year ago and now that there is an ordinance, it can no longer happen. President Tabita clarified that the Gazebo and Veterans Park are the only parks restricted by the ordinance and that the other parks were free to be used by anyone. An unnamed member of the public said that those parks do not have the facilities like a stage, whereas the gazebo is perfect for their use. He went on to say that he feels the ordinance is discriminatory toward anyone who was not one of the five allowed to use the Gazebo. Atty. Klimchock explained that the Borough only named public groups in the ordinance. He also defined a public group as part of government. Further discussion ensued about what were and what were not public groups and

events. President Tabita stated that this matter will not be decided tonight and that Council needs to have further discussions. Councilwoman Stevenson and Councilman Bauer discussed not changing the Ordinance because Council has already decided this matter. Mayor Lucia pointed out that National Day of Prayer was always held at Frick Park in the past. President Tabita said that there are parking problems, traffic, etc and it is a not a good place for any big gathering and that we cannot shut down state roads. Then Council suggested other places around the area for the Day Of Prayer. Solicitor Klimchock reiterated that the Borough would be violating the separation of church and state if they made the Day Of Prayer a Borough event.

**Mayors Report:**

Mayor Lucia said that he feels police presence at Frick Park should continue because there have been a number of incidents settled because they have been there. He feels that the issue with Ms. Hissem was a simple misunderstanding on the part of Chief Ober and that no citation was issued. Discussion ensued about the Ordinance. Mayor Lucia said that he attended a recent Mayors Conference and Mount Pleasant Borough is further ahead on these issues than other larger towns and cities.

Mayor Lucia reported on the Annual Mayors Conference. One of the big topics was the use of taser guns by police. Municipalities state that there are less workers' compensation claims because the officer does not have to get into a physical confrontation and walking with taser guns on their belts deters bad behavior. Insurance companies are buying tasers for police departments because less police are being critically wounded and workers' compensations have significantly dropped. There were also round table discussions about financial problems in cities and boroughs across Pennsylvania at the conference. A lot of it comes down to loss of jobs in the communities. The Mayor's Association is putting together some legislation that will go to Harrisburg with several bills that will help all of us. Mayor Lucia said he will present a report on the Mayors conference to Council at the next meeting.

**Solicitors Report:** None

**Treasurer's Report:**

Borough Manager Landy read the following Treasurers Report for the month of June 2008:

<b>Mt. Pleasant Borough Treasurer's Report:</b>		<b>Jun-08</b>			
		<b>Previous Balance</b>	<b>Deposits</b>	<b>Disbursements</b>	<b>Balance</b>
General Fund Checking	PNC 001223513	52,724.00	204,176.17	205,425.17	51,475.00
General Fund Sweep	PNC 11493394	629,134.60	61,699.86	116,004.59	574,829.87
General Fund Budgetary Reserve	PNC 10-2457-4388	101,287.75	140.69	0.00	101,428.44
<b>Total General Fund Balance</b>					<b>727,733.31</b>
WWT Operational Acct	Standard Bank 0320012280	319,677.09	24,714.82	59,045.33	285,346.58
WWT Certificate of Deposit		150,000.00	0.00	0.00	150,000.00
WWT Budgetary Reserve	Standard Bank 287245	50,409.32	84.18	0.00	50,493.50
<b>Total WWT Balance</b>					<b>485,840.08</b>
Liquid Fuels PLGIT	PLGIT 56980126	136,109.81	241.58	4,636.56	131,714.83
Monument CD	Standard Bank 242781	5,435.94	0.00	0.00	5435.94
Holiday Lighting Fund	Standard Bank 050004849	257.19	0.05	0.00	257.24
Payroll Fund	PNC 01226415	1,246.71	48,520.98	48,638.53	1,129.16
Recreation Account	Standard Bank 5003289	1,904.14	0.39	0.00	1,904.53
Veterans Park Fund	National City 981293700	6,461.69	1,050.00	2,949.05	4,562.64
Veterans Park PLGIT	PLGIT 5698025	11,049.28	19.77	0.00	11,069.05
Police Drug Enforce.	PNC 1012912642	850.50	0.00	0.00	850.50
Town Clock Fund	Standard Bank 0010038847	610.02	0.13	0.00	610.15
					<b>25819.21</b>

Respectively Submitted:

Councilman Larry Tate

1,371,107.43

Borough Manager Jeffrey Landy

The Treasurers Report was reviewed and signed by Councilman Tate.

A motion was made by Councilman Crivella to accept the Treasurer's report. The motion was seconded by Councilman Bauer. Motion was carried 7-0.

### **Presidents Report:**

A motion was made by Councilman Bauer for an Executive Session. Motion was seconded by Councilman Beranek. Motion was carried 7-0.

### **Executive Session 7:54pm to 8:35pm.**

President Tabita stated that the Executive Session was for the purpose of discussing real estate, personnel and litigation.

President Tabita said that they have spoken to Mrs. Gormley and she has been sent the appropriate paperwork. We know that the package was received but we have not received a response. Solicitor Toohey will contact Mrs. Gormley in an effort to get the matter resolved.

For many years, the Borough has struggled with not having an Employee Handbook. There was money budgeted to hire an intern in 2008. No intern was hired but the Borough does have a part-time secretary and President Tabita suggested putting her on the project to get it completed. He asked what council thought about it. Council discussed the work involved to do the manual. Councilwoman Stevenson said that it may be difficult for someone to who has not been involved to take over the project. Councilwoman Stevenson said that Secretary Fedorchak has a copy of the template but that she will email the template to Council with any changes she has made. President Tabita said that as long as the part-time secretary's salary is budgeted, Borough Manager Landy can use his discretion to use the part time secretary as needed on this project.

President Tabita said there was a meeting with the entire organization from Kriebel Resources regarding the Frick Park gas well. They are 30 days out from drilling. There is an issue regarding where to put the well head. Initially it Kriebel was going to put it in a manhole in the outfield and run all of the plumbing over to Visitation parking lot. That can no longer be done because Kriebel does not want a man to go into a pit that will have gas in it. Also, there would have to be a water tank six foot high and eight foot in diameter nearby to catch the water for two years. Kriebel Resources has presented two plan options to the Borough.

- Plan A – Kriebel will install a gas line from behind the backstop in the Visitation parking lot to the electric post at the softball field and the well head and tank will be in the outfield within a 12' X 10' fence.
- Plan B – Kriebel will install all well equipment in the outfield within a 10' X 21' fence that will be 8-10 foot high with a roof. They will erect a new scoreboard in front of the fence and will donate trees for the Borough to plant in front of the fence. They will run a gas line providing free gas to the Municipal Building and the Central VFD.

A motion was made by was made by Councilman Bauer to adjourn to walk outside and look at the proposed gas well location. Motion seconded by Councilman Tate. Motion carried 7-0.

Meeting adjourned at 8:50pm. Meeting called back to order at 8:59pm.

Borough Manager Landy said that he and President Tabita had a discussion with Jim Brant from Kriebel before tonight's meeting and Jim wanted to clarify that he was not sure what kind of scoreboard Kriebel would authorize. He could not promise that it would be an electronic scoreboard because of the expense. A discussion of different scoreboards ensued.

Motion was made by Councilman Wiltout to suspend the rules for the purpose of accepting Kriebel Resources Plan B for the Frick Park gas well. Motion seconded by Councilman Beranek. Motion carried 7-0.

Motion was made by Councilman Wiltout to accept Kriebel Resources plan B for the gas well with the exception for Council to approve the scoreboard. Motion seconded by Councilman Beranek. Motion carried 7-0.

Councilman Beranek was concerned about the pine trees creating a security issue years down the road. There was a discussion about the trees. Mr. Landy said that the trees will be nowhere near the walking track. Councilman Bauer suggested placing gaslights around the track. President Tabita said that we only have a certain allotment for free gas. Borough Manager Landy said that the cost would be a dollar over wellhead price. A decision was made to research cost estimates and how to make a safer walking track.

President Tabita said that there is a possibility that this gas well could make \$60,000.00 a year plus the savings of \$15,000.00 for these two buildings would be over 2 mills for the Borough to work with.

### **Borough Managers Report:**

Borough Manager Landy said that at one of the Concerts in the Park he was approached by a person who wanted to know if the Borough allows kids to play in the fountain. He said that the Park Committee could look into it.

He spoke to East Huntington Township supervisors and they wished to have quarterly meetings with the Borough. Borough Manager Landy suggested Council decide who will meet with them and when.

He met with Armstrong and they want to put up a new hotspot sign either vertically and attach it to the telephone pole or make one 12 inches by 6 inches and attach it to the black structure that holds the other signs.

The July 3<sup>rd</sup> Fireworks rain date will be Sunday July 27, 2008 after the Concert In The Park.

### **Wastewater Treatment Report:**

Councilman Tate talked with Roger Eckels to see how charges can be filed against people who are not fixing their downspouts. He said that an ordinance change was needed. The ordinance says 90 days but they need one that says 30 days. If it says 30, you can give people 90 but you cannot say 90 then shut them off at 30. Solicitor Toohey will draft an amendment to the ordinance to be voted on at the next meeting.

WWT Supervisor Norm Stout presented a three-minute video to Council called "The One Dollar Truck". It chronicled the refurbishment of the pick up truck that is being leased by WWT from Westmoreland County for \$1. Councilman Tate said he would like to see WWT emblems on the doors of the truck.

There was only one application for the part time WWT employee and the interview will be on Wednesday, July 23<sup>rd</sup> at 10:00 am.

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

Councilman Bauer said that the committee is still working on the ordinance recodification. They are still reviewing ordinances before the book has to go back to print. The landlord registration ordinance should be ready to be discussed at the next work session. The committee is still working on the sign and fence ordinances. President Tabita suggested asking the BDA to attend the next work session to discuss the sign ordinance. Councilman Bauer agreed. Councilman Bauer brought up the subject of people putting signs on the poles at the Diamond. Two to three thousand dollars were spent to paint the poles and over the last few weeks people are taping signs to them. We cannot spend that amount of money every other year painting the poles. Mayor Lucia pointed out that there is already an ordinance on the books about destruction of public property. Councilman Bauer wanted to know how that was to be enforced. It was decided that all signs were to be taken down upon sight. Councilman Bauer asked how the people were to be caught taping things to the poles as to avoid damage to the poles from tape. There was a discussion about how to enforce the ordinance. Borough manager Landy suggested that signs be allowed on private property only.

### **Street Department Report:**

Councilman Crivella reported that Penn Dot is putting in a handicapped ramp by the alley next to Veterans Park down from the crosswalk. They are resurfacing Diamond Street and the crosswalk has to be moved.

Sixteen or seventeen applications for the full-time Street Department worker have been received. The committee will begin interviewing on July 31<sup>st</sup> and choose three applicants for council to interview. They will be chosen before the meeting on the 18<sup>th</sup> of August. Interviews will be held at 6:00pm before the council meeting on August 18, 2008.

Councilman Crivella said he looked at alleys needing paved with Street Supervisor Fontanazza. The alleys were prioritized and Councilman Crivella would like to know when we can advertise for bids for this project. 2009 paving projects were also discussed. Borough Manager Landy suggested holding off requesting bids for the alley paving until early next year when there can be one big project when the cost will be cheaper. When to request bids was discussed. Council agreed to wait until the first of the year and do one big project.

Councilman Bauer brought up the subject of removing the yellow curb in front of Ramsey school. He would like to see it removed before the start of school this year. The yellow line location was discussed and also the bus route.

**Finance Report:** None

**Property Report:**

Councilman Beranek said that he talked to a couple of companies about the cracks in the granite pyramids at Veterans Park. They can be fixed but some of those fixes involve sandblasting and sandblasting can change the color of the stone. Councilman Bauer said that if the warranty was not in writing, that Rock of Ages will not do anything. Councilman Bauer said he talked to a couple of other granite companies but received conflicting information regarding warranties. Councilman Beranek said that he is going to meet with a fabricator and discussed covering cracks in the granite so that they do not expand over the winter. Rock of Ages may or may not fix it. A discussion about granite hardness and porosity ensued. Councilman Beranek said that if they can mix colors to match then it should just be done. Rock of Ages did the wall expansion and bought the company who did the original monuments but because they did not do the work on the pyramids, they most likely will not fix it. Mayor Lucia suggested pursuing a suit against Rock of Ages. Barb, who owned the monument company that installed the pyramids stated that she will come to look at the cracks.

**Business/Economic Development and Contracts Report:**

Councilman Wiltrout reported that the hazardous waste collection at the Westmoreland County Fairgrounds was rescheduled from September 20, 2008 to Saturday, October 11, 2008 from 9am to 2pm.

President Tabita asked where the recycling containers are. Councilman Wiltrout said that there was one outside the Municipal Building and it has a red sticker with white lettering that says combined recyclables. No one has to separate. Other containers can be found on Depot St./Kennedy Ave. at the Borough Shed, at N and N Store, and at Willows Park right off the alley.

**Human Resources/Employee Contracts Report:**

Councilwoman Stevenson reported about the library board meeting. Comparing this year to last year the library is going strong. From June 2007 to June 2008, the number of items issued rose 55%, the average daily circulation rose 62%, and the number of visitors to the reading-reference room rose 31%. The inter-library loan program usage has rose 700%. She also had a copy of their audit in a letter that she gave to Council. They are not required by the state to have an annual audit; they have one every third year. In between years they have a financial review. That is all that is required by them to keep their accreditation from the state. She gave Council a letter asking if Council will accept their financial review. The financial review will be done in August this year and the library will be happy to submit it. President Tabita asked if the audit covers the three-year period. Councilwoman Stevenson replied that she did not think that was how it worked. Borough Manager Landy said that he already talked to the Library and asked for the 2006 audit and the financial reviews from 2007 and 2008. Councilwoman Stevenson will get back to the Library and request these items. President Tabita explained that the reason why those are needed is because any donation by the Borough of over \$1,000 requires a copy of the entities audit. President Tabita said that the Borough will be willing to give them the same amount that the Township does if they prefer. Councilwoman Stevenson said that the library is giving a presentation to the Township this evening. She also stated that she will go to the president of the board and discuss this issue.

Councilwoman Stevenson discussed the Library's Bug Club where children read about bugs. There are 40 children signed up for this program and it is much more popular than they thought it was going to be. One of the board members has started "Friends of the Library". These are people who are enthusiastic about the library and they have already donated a projector so they can watch movies.

**Recreation Report:**

Councilman Bauer reported on building the Veterans Park double-sided sign on the black sign. Taylor signs gave a quote 25 3/8 x 72 x 2 inches hud sandblasted double-faced sign for \$1,927.20 and for one the same size on an inch and a half cedar for \$2,582.74. Councilman Bauer did not know if there was anything budgeted for this but he said that it was something that was talked about for over a year. Borough Manager Landy said that the money saved on Concerts in the Park this year can be used for this. President Tabita said that there is \$20,000 endowed for the Gazebo. Councilwoman Stevenson suggested changing the color of the sign to a more

elegant black and gold. A discussion regarding signs ensued. Council instructed Manager Landy to get prices for granite signs.

**New Business:** None

**Reading of Communications:**

Borough Manager Landy read the following communications:

- Smart Growth is having an open house August 8, 2008 from 12:00 pm to 4:00 pm at Green Forge Building 226 Donohoe RD, Ste. 105, Greensburg. No RSVP
- Paychecks is having a free seminar on how to write an employee handbook, top ten HR issues, effective discipline and termination, lower health care costs, and tax shelter strategies for retirement. August 7, 2008 5 Penn Center West Pittsburgh (Robinson Township) 9 am to 4 pm. Need to call to register: 412-787-1666 Tammy ext. 54504

**Discussion and Payment of bills:**

A motion was made by Councilman Bauer to pay all bills properly authorized and approved. Motion seconded by Councilman Wiltout. 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 10:12pm.

### **Motions from July 21, 2008 Meeting**

A motion was made by Councilman Bauer to dispense with the reading of the minutes of June 23, 2008. Motion seconded by Councilman Wiltout. Motion carried 7-0.

A motion was made by Councilman Crivella to accept the June 2008 Treasurer's report. Motion seconded by Councilman Bauer. Motion was carried 7-0.

A motion was made by Councilman Bauer for an Executive Session. Motion seconded by Councilman Beranek. Motion was carried 7-0.

Motion was made by Councilman Bauer at 8:50pm to adjourn the meeting to walk outside and look at the proposed gas well location. Motion seconded by Councilman Tate. Motion carried 7-0.

Motion was made by Councilman Wiltout to suspend the rules for the purpose of accepting Kriebel Resources Plan B for the Frick Park gas well. Motion seconded by Councilman Beranek. Motion carried 7-0.

Motion was made by Councilman Wiltout to accept plan B for the gas well with the exception for Council to approve the scoreboard. Motion seconded by Councilman Beranek. Motion carried 7-0.

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