

Council Meeting
January 26, 2009 – 7:30 p.m.

Meeting of the Somerset Borough Council was held this date, called to order by Vice President, Mary Ann Smith.

Present:

Hank Parke, Ruby Miller, Paul Urbain, Peggy Shaffer, Frank Koval, Mary Ann Smith, Fred Rosemeyer, Council Members. John J. Dirienzo, Esq., Borough Solicitor; Benedict G. Vinzani, Jr., Ph.D., Borough Manager; Michele Enos, Assistant to the Borough Manager; Randy Cox, Chief of Police; William Meyer, Mayor; George Svirsko, Director of Public Works; Brett Peters, Director of Finance; Gary Thomas, Somerset Fire Chief; Jerry Lyons, Somerset Fire Department; Mark Miller, Somerset Ambulance Association.

Meeting opened with recitation of the Pledge of Allegiance to the Flag.

Previous Meeting

Mr. Parke moved to approve minutes of the previous meeting of December 22, 2008 – motion seconded by Mr. Koval.

Unanimously Carried.

Mr. Thomas thanked Council and all involved in the Safety Building Program. Minor plumbing work will be completed in the spring.

Bill Payment

Mr. Koval moved to approve payment of the following bills as printed, seconded by Mrs. Miller:

Check Nos.: 12652-12858 Total: \$543,822.47

Vote: Mr. Park, yes; Mrs. Miller, yes; Mr. Urbain, yes; Miss Shaffer, yes; Mr. Koval, yes; Mr. Rosemeyer, yes; Mrs. Smith, yes.

Unanimously Carried.

Old Business

Sanitary Sewer Testing Ordinance – Mr. Vinzani said this is a continuing agenda item that we can either continue to bring it up under Old Business, bring it up at another time, or authorize the Solicitor to prepare something for our consideration.

Mr. Rosemeyer moved to have the Solicitor prepare an Ordinance for Sanitary Sewer Testing - motion seconded by Miss Shaffer.

Unanimously Carried.

The Solicitor recommended a phase-in period, with input and representation from real estate people for ideas on how much advance notice they believe would be appropriate. This introduces an affirmative undertaking to determine who is responsible and whether there should be escrow requirements. He asked for a meeting with the Manager and Council, along with a delegation from the local community brokers handling properties in the Borough. It may raise closing costs.

Mr. Vinzani said this is becoming popular because of infiltration/inflow in sanitary sewer systems since we pay to treat storm water. If we discover problems in this way, it will be helpful in saving costs. Regarding enforcement, it would require that a permit be obtained certifying compliance with the Ordinance. Ebsenburg's ordinance became effective in January. In the case of non-compliance, we issue a letter of violation, with x-amount of days for repairs.

Miss Shaffer said this should be a condition of sale. Mr. Dirienzo explained that if they wanted to close; a portion of the closing process sufficient to cover cost of the fix, it would be escrowed somewhere, to be released only upon the fix, and withheld. It would be involved. They agreed to contact other communities that have had the ordinance, for their input.

Finance Committee

Real Estate Tax Collector Wages - Mrs. Smith said the Finance Committee recommended a wage increase for this position, to be increased by three percent for year 2010; then increased by 100 dollars in each of the three remaining years of the term.

Mr. Vinzani said Council can choose several options to compensate its collector - by salary, parcel or percentage of collections, basically the three most common methods. The Solicitor said those running for the office of Tax Collector should know what the job will pay for the term, and the same law says you cannot adjust it once the term starts.

Mr. Rosemeyer moved to increase the Tax Collector's salary by three percent for the first year of the term; with no additional increases for years 2, 3 and 4 and to make the other bodies are aware of it – seconded by Mrs. Miller.

Unanimously Carried.

Chlorine Bid, Year 2009

Mr. Koval offered a motion to award the bid for chlorine to Univar, lowest responsible bidder, for chlorine; one-ton cylinder, \$498.00 and 150 lb. bag, \$59.10 per bag. Motion seconded by Mr. Urbain. (The Emergency Management is to be notified)

Unanimously Carried.

New Business

Finance Committee Recommendation

Mrs. Smith stated that the Finance Committee recommends donations to the Daily American for fireworks display, and Somerset Inc., in quarterly installments.

Mr. Parke moved to donate \$1,000.00 to the Somerset Daily American newspaper, for Fourth of July Fireworks Display; and \$2,000.00 to Somerset Inc., in quarterly installments of \$500.00. Motion seconded by Mrs. Miller

Vote: Mr. Parke, yes; Mrs. Miller, yes; Mr. Koval, yes; Mr. Urbain, yes; Miss Shaffer, yes; Mrs. Smith, yes, Mr. Rosemeyer, yes.

Unanimously Carried.

Discussion ensued concerning the Humane Society request for funding. A portion of their expenses would be for the Humane Officer.

Mrs. Miller moved to donate \$250.00 to the Humane Society, motion seconded by Mr. Koval.

Vote: Mr. Parke, yes; Mrs. Miller, yes; Mr. Koval, yes; Mr. Rosemeyer, yes; Mr. Urbain, yes; Miss Shaffer, yes; Mrs. Smith, yes.

Unanimously Carried.

Mark Miller, Ambulance Association, said their Board of Directors is looking at different areas in search of funding. Over 40 percent of their calls are in Somerset Borough. A concern is that some transports are out of Somerset Hospital which may not be members of the Borough. He is asking for \$36,000.00. There are 2,663 memberships in our area. Fees vary, depending on what skills are performed. They often assist the Fire Department with vehicle accidents. The insurance company states that if they do not transport anyone, they haven't rendered the service. Some don't pay. They are licensed in PA and required to assist when called. He stated he does not want to take anything away from the important agencies such as Police and Fire Departments.

He suggested doing a set amount for this year, use it as a goal, then increase it three to five years down the road. They rely on membership drives, and wrote three grants. Area service clubs were suggested as possible sources. He explained the different levels of services. Other areas without paramedic teams dispatch a paramedic out of his station to assist.

Mrs. Smith said this will be evaluated with the Finance Committee.

Request to Video-tape Council Meeting

A request has been received from Mrs. Minnick, Somerset High School teacher, for permission to video-tape a Council meeting. Mr. Vinzani said certain regulations must be followed. This can be scheduled and students can receive credit, based on viewing the tape. Council can receive a copy of it.

Mr. Parke moved to allow a video taping of a Borough Council meeting – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

Disposal of Records

Miss Shaffer moved to pass the following Resolution in accordance with the Commonwealth's Record Retentions Act – motion seconded by Mr. Koval:

RESOLUTION NO. 2009-01

WHEREAS, The Borough of Somerset adopted Resolution No. 87-02 on April 27, 1987 providing for the destruction of certain papers in accordance with the Retention and Disposition Schedule for Records of Pennsylvania Municipalities and;

WHEREAS, The Somerset Borough Administration wishes to dispose of some of its records in accordance with this Resolution;

NOW THEREFORE, BE IT RESOLVED, that the following items be authorized for purging:

*2001 Water/Sewer Bills
2001 Billing Register Journal
2001 Penalty Run & Account Detail Sheets
2001 Daily Cash Receipts Journal
2001 Billing Adjustments
2001 Final Billing Journal
2001 Postal Mailing Form for Water/Sewer Bills, Form #3602
2001 Log Books
2001 Water Office Correspondence
2001 Receipt Books
2001 Municipal Lien Letters
2001 Bankruptcy Claims
2001 Water/Sewer Work Orders
2001 Water Leak Letters
2001 Payment Schedules
2001 Somerset Township Miscellaneous Quarterly Actuals
2001 Swimming Pool Adjustments
2001 Complaints
2001 Street Light Forms
2001 Owner/Renter Final Sheets
2001 Month End Reports
2007 Records of Deposit (Parking Meter Attendant)
2007 Paid Parking Tickets
2007 Paid Parking Permit Applications
2007 Civil Action Case (Parking Meter Attendant) Records.*

Motion Unanimously Carried.

Mrs. Miller moved to approve the following Resolution, motion seconded by Mr. Koval:

RESOLUTION NO. 2009-02

BE IT RESOLVED, That the Borough of Somerset, Somerset County, hereby requests an H20 PA Grant of \$955,700.00 from the Commonwealth Financing Authority to be used for Water System Projects.

BE IT FURTHER RESOLVED, that the Borough of Somerset does hereby designate Mary Ann Smith, President of Borough Council and/or Benedict G. Vinzani, Jr., Borough Manager, as the official(s) to execute all documents and agreements between the Borough of Somerset and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

Unanimously Carried.

Mr. Koval moved to approve the following Resolution, motion seconded by Miss Shaffer:

RESOLUTION NO. 2009-03

BE IT RESOLVED, that the Borough of Somerset, Somerset County, hereby requests an H20 PA Grant of \$871,980.00 from the Commonwealth Financing Authority to be used for Sewer System Projects.

BE IT FURTHER RESOLVED, that the Borough of Somerset does hereby designate Mary Ann Smith, President of Borough Council and/or Benedict G. Vinzani, Jr., Borough Manager as the official(s) to execute all documents and agreements between the Borough of Somerset and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

Unanimously Carried.

Crosswalks Request

The Manager informed the Board that a request has been received from the County Commissioners requesting Council's consideration to place crosswalks along Court Alley.

Miss Shaffer moved to grant the request to install crosswalks along Court Alley – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

Mrs. Miller moved to add crosswalks on Union Street and Fairview Street at the playground, with the additional sign from PennDOT that we received as part of a grant program; maximum number allowed. Motion seconded by Mr. Rosemeyer.

Unanimously Carried.

Equipment Committee

Mrs. Miller reported on the sale of surplus equipment. The Township may be interested in the vactor. She described the following equipment purchases requested:

- 1974 Tandem Dump Truck, 60,000 miles, to be used for waterline breaks and hauling snow.
- Steel road lifter, for repair work;
- Replacement of a 1994 pickup;
- Replacement of a van;
- An additional van;

- New copier machine;

Mr. Rosemeyer moved to purchase the Committee's recommended equipment – motion seconded by Mr. Koval.

Unanimously Carried.

Moved by Mr. Rosemeyer to amend the motion to request that the Borough Manager or Director of Public Works use their discretion on whether to purchase new or used equipment – motion seconded by Mr. Koval.

Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report – Mr. Vinzani reported the following:

January meetings:

- Met with our insurance broker to review new policies and coverage, effective January 1, 2009.
- Attended the bi-monthly Joint Utility meeting with Columbia Gas, REC, Penelec, Comcast.
- Attended a “webinar” seminar conducted on the web, sponsored by PSAB concerning the Commonwealth's new Open Records Law.
- A web page is being designed as part of our website, with instructions for the public and forms to download.
- Attended the Strategic Action Plan Committee meeting. Dr. Segedy of the PA Environmental Council and a representative of the Turnpike Commission are compiling recommendations for aesthetics.
- Attended the Drought Task Force meeting – the Commonwealth has lifted the drought alert.
- Customer Relations Committee met, focusing on the Open Records Law - training and dissemination of information is being carried out.
- Met with the Finance Committee and the Route 31 West Corridor Study group. They are looking at recommendations for what is preferred in this area.
- Met with the Southern Alleghenies Planning and Development Commission, outlining their major plans for the next several years.

Mr. Rosemeyer mentioned that he and Mr. Vinzani spoke at “Rotary Radio Day” about what is being done in the Borough. They commented on the Borough Staff, Police and Fire Departments' dedication to their work.

Public Works Committee

Mrs. Miller asked for notification of any potholes. They will begin checking streets shortly.

Public Safety Committee

The “livescan” is now in use. The Chief and officers will prepare a list of stop signs to be replaced. They will meet on the third Tuesday of each month, 4

o'clock. There are inconsistencies regarding signs where we have no ordinance, and have ordinances where there are no signs. We will try to identify these so Council can decide to add ordinances, remove them, etc. Chief Cox said he does not want officers issuing a process without proper grounds. They spoke about reporting street light outage – we have a fax form for this purpose.

Finance Committee

Mr. Urbain said the year was ended by receiving over 100% of the revenues budgeted, with approximately 6% to the good.

Shade Tree Committee

They are preparing an ordinance for next meeting to address this issue.

Somerset Inc.

Mr. Parke commented on the successful Fire and Ice Festival.

Solicitor's Report

Concerning the parking issue, he advised that if anything is changed, a comprehensive ordinance would be adopted. An inventory of all signage will be taken. He suggested one street at a time, making notes of what is observed. A two-person crew could superimpose it onto a Borough map. A code-based GPS unit could be acquired. This will be placed under "pending business".

Mayor's Report

Mayor Meyer said they were considering replacing the K-9 Vehicle this year, for a "Dodge Durango". Brakes, etc., would have to be replaced, but since it is an all-time four-wheel drive it would be expensive. Chief Cox is planning to look at fixed-cost vehicles in Harrisburg. Chief Cox informed the Board that a Federal Program called the "Fixed Cost Vehicle Program" is open to law enforcement, for vehicles anywhere from two to four years old with 40 to 60 thousand miles, usually in excellent condition.

Executive Session

Mr. Koval moved to enter into Executive Session for purpose of discussing negotiations; motion seconded by Miss Shaffer.

Unanimously Carried
8:55 p.m.

Adjournment

Executive session ended, Council meeting reconvened, and Mr. Koval moved to adjourn; Mr. Urbain seconded.

Unanimously Carried
9:40 p.m.