

Council Meeting
February 23, 2009 – 7:30 p.m.

Meeting called to order by Vice-President Ruby Miller, opening with recitation of the Pledge of Allegiance to the Flag.

Present

Paul Urbain, Peggy Shaffer, Ruby Miller, Frank Koval, Hank Parke, Members of Council. Eric Critchfield, Consulting Engineer, Brett Peters, Director of Finance, Ben Vinzani, Jr., Borough Manager, George Svirsko, Director of Public Works, John Dirienzo, Borough Solicitor, William Meyer, Mayor. Jerry Lyons, Somerset Fire Department, Gary Thomas, Somerset Fire Department, Sonya Richards, resident, John Richards, resident were also present.

Approval of Minutes

Mr. Koval moved to approve minutes of the previous meeting of January 26, 2009, with a name title correction noted. Motion seconded by Mr. Parke.

Unanimously Carried.

General Public Comments

Audience guests were welcomed.

Payment of Bills

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

Check nos: 12859-13048 Total: \$518,986.95

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

Unanimously Carried.

Old Business

Sanitary Sewer Testing Ordinance Mr. Vinzani said he forwarded a copy of the ordinance to Ken Halverson, asking him to circulate it among his associates for comments. Mr. Dirienzo said the ordinance appears to focus on residential properties, but commercial or non-residentials can also be a source of problems. The ordinance should state that testing procedures will be determined by the Borough, though it would not need to specify the procedures. We are waiting for additional input from realtors.

Finance Committee Recommendation on Somerset Area Ambulance Service Donation. Mr. Urbain said a formula under discussion that would seem fair to the residents is 50 cents per person in Somerset Borough. It could be paid in quarterly installments so that if there were budgetary concerns during the year we would not be responsible for continued donations.

Mr. Urbain moved to donate \$3,381 dollars to the Somerset Area Ambulance Association, paid in quarterly amounts (subject to the above restrictions) – motion seconded by Miss Shaffer.

Vote: Mr. Urbain, yes; Miss Shaffer, yes; Mrs. Miller, yes; Mr. Koval, no; Mr. Parke, yes.

Carried 4-1 (Mr. Koval voting “no”)

New Business

PSAB Convention

Mr. Urbain nominated Frank Koval as **Voting Delegate** for the March, 2009 PSAB Convention – motion seconded by Mr. Parke.

Unanimously Carried.

Miss Shaffer nominated Paul Urbain as **Alternate Voting Delegate** for the March, 2009 PSAB Convention – motion seconded by Mr. Koval

Unanimously Carried.

Turnpike Commission Tri- Party Agreement (Toll Booth Area)

The Manager referred to the tri-party agreement between the Turnpike, Borough and Township for maintenance of new roads to be constructed. The Commission is looking for a concurrence from the Borough and Township.

The Solicitor explained that the Township has approved the Agreement. Mr. Vinzani said we own and maintain the sidewalks along the access road, and the same “no-sign” requirements apply to our section of the sidewalks as well.

Miss Shaffer moved to sign the Tri Party Agreement (Toll Booth Area), motion seconded by Mr. Urbain.

Unanimously Carried.

Penn Dot – North Center Avenue Sidewalk Maintenance Agreement in Conjunction with Rt. 601 Turning Lane Project

The Manager said Penn Dot will be constructing a turning lane and laying new sidewalk beginning at McDonalds and the old Eckert Drug building. Their standard agreement requires the municipality to assume responsibility for the

sidewalks. He explained that our ordinance places sidewalk maintenance responsibility on the adjoining property owners, but Penn Dot requires that this agreement be executed prior to letting the contract.

Mr. Vinzani said our ordinance makes the adjoining property owner responsible for maintaining it but Penn Dot states that we would be responsible.

Mr. Parke moved, Mr. Urbain seconded, to accept Penn Dot's agreement for a sidewalk along North Center Avenue, in conjunction with construction of a turning lane.

Unanimously Carried.

Penn Dot – New Traffic Signals North Center Avenue

The Manager explained that there are approximately 8 or 9 traffic signals to be upgraded along North Center Avenue under Penn Dot's new program. There have been ongoing discussions concerning whether the signal at Center Avenue and Catherine Street is needed, and Penn Dot was asked to examine this prior to letting bids for this contract. Their response is that the study was completed and it is warranted, so they plan on making this part of their new construction project.

At this point it was questioned whether a response was received from Penn Dot concerning the traffic signal at Catherine Street and North Center Avenue. Mr. Parke expressed his opposition to this specific signal because of waiting periods and snow problems in winter, stating his opinion is that it should be on 'flashing' continuously to move traffic more efficiently. It was explained that timing is controlled by Hollidaysburg. Mr. Vinzani said he requested Penn Dot to look at the intersection of North Center Avenue and Union Street for a pedestrian crosswalk since it is one of the heavier-traveled intersections, which can be a huge benefit for uptown. A pedestrian crosswalk at this intersection will be included in this project.

They discussed costs, maintenance responsibilities, utilities, timing periods, lighting style (LEDS), and the Manager said it will be a synchronization upgrade as well.

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

RESOLUTION NO. 2009-4

BE IT RESOLVED, by Authority of the Somerset Borough Council, and it is hereby resolved by authority of same, that Benedict G. Vinzani, Jr., and Ruby W. Miller be authorized and directed to enter into the attached Agreement with the Commonwealth of Pennsylvania, providing for the installation of traffic signals described therein.

Adopted at a regular meeting of the Somerset Borough Council held this 23rd day of February, 2009.

Unanimously Carried.

They discussed the importance of staying in touch with PennDOT to keep them informed on how efficiently traffic is being synchronized after the upgrades.

Revised Resolution 2009-5, Route 601 Turning Lane Project

Mr. Vinzani said the new Resolution on this project is based on revised cost estimates from Penn Dot, and final costs will be known after the contract is let.

Mr. Parke offered a motion to approve the following Resolution, seconded by Mr. Urbain:

RESOLUTION NO. 2009-5

In accordance with the requirements of the Pennsylvania Department of Transportation Design Manual – Part 5, Chapter 3.2, the Borough of Somerset does hereby authorize the submission of the attached request for the Pennsylvania Department of Transportation to provide a fixed 50 per centum reimbursement to Borough of Somerset for all costs incurred in relocating our sewer facilities located in the public right-of-way and affected by S.R. 601 widening necessitated by the Pennsylvania Department of Transportation Highway Improvement in Somerset County.

Also the Vice President of said Borough be authorized and directed to sign a Utility Reimbursement Agreement on its behalf and that the Secretary be authorized and directed to attest the Vice-President's signature on the Utility Reimbursement Agreement for this highway project.

Adopted as a Resolution this 23rd day of February, 2009.

Unanimously Carried.

Police Department – New Hire, Full-time Officer

The Mayor said this hiring was approved by Council earlier, and was budgeted for 2008. Civil Service Testing has been completed and Council was presented with the list of three “eligibles”.

Miss Shaffer moved to recommend Officer Ruth Beckner for the position of full-time officer – motion seconded by Mr. Urbain.

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

Unanimously Carried.

Quality Inn Flag

A discussion ensued concerning the Quality Inn management's request for help with installing/removing their huge flag. Mrs. Miller asked if there is something we could do to assist them, along with the Township. They discussed size, weight, number of persons needed to set it up and whether our personnel could help. Mr. Vinzani said we must avoid a situation where they expect more from us than we are able to provide. He will contact Dan Mickey then report back at next meeting.

Main Water Treatment Plant Water Allocation Permit

Mr. Vinzani said Council's direction had been to let the water allocation permit (for the main water treatment plant) proceed through normal channels. We are at the point where we need to inquire about its status.

Mr. Parke moved to authorize the Administration to make an inquiry to DEP concerning the Water Plant Allocation Permit Application - motion seconded by Miss Shaffer.

Unanimously Carried.

Committee, Administration, Special Reports

Mrs. Miller asked about the free uptown parking for the Antique Show. Mr. Vinzani said the Department has a non-enforcement policy on this weekend. The Department will continue to enforce illegal parking such as fire hydrant, handicap violations, etc. Chief Cox will be in touch with the Chamber concerning this matter.

Mrs. Miller reminded Council that the March 23 meeting will be videotaped for the school, and asked all to be present. She informed Council that Mr. Vinzani has been appointed to the Somerset County Solid Waste Advisory Committee.

Manager's Report

- Attended the PSAB "webinar" on the electronic communications liability as it pertains to the PA Open Records Law. This is a continuing education for municipalities since there are more things coming up on the Open Records Act and new Right to Know Law.
- Attended a meeting with the Turnpike Committee on proposed new road construction in the Toll Booth Area. They reviewed the tri-party agreement, and plans will be made available for Council when available.
- Attended the Finance Committee meeting of February 6, 2009.
- Attended the County Drought Task Force meeting of February 10th. Voluntary restrictions were lifted to coincide with the Commonwealth's lift of their Stage One Drought Status. We are now in normal mode.
- February 18th monthly administrative meeting with Somerset Township was held.

- February 20th he met with Mr. Parke and Solicitor Dirienzo to discuss our Shade Tree Ordinance.
- We submitted an application under the County's Hotel Tax Grant Program to continue work with trees and landscaping in the Borough.
- Concerning question on hotel tax, he explained that it is a county-imposed tax; the hotel collects and distributes it. It is distributed via grants.

Public Works

Mrs. Miller reported that we purchased the Tandem dump truck and a copier machine. The Mayor and Chief found the police vehicle at a very good buy. The vans are out to bid for a quote, at all local dealers. Miss Shaffer expressed Councils' thanks for a job well done.

Finance Committee

Mr. Urbain reported that everything is going well and we have spent approximately 8% percent of our budgeted expenditures.

Shade Tree Committee

Mr. Parke said we have been in contact with the Penn State Extension Office and a Forrester with DCNR to assist us with a comprehensive plan for trees in the Borough. The hotel tax grant will address some of our tree issues. The Borough will be more involved in keeping trees in our Central Business District healthy. We are trying to come up with a long-term plan, and will provide a report at another meeting.

Mayor's Report

Mr. Meyer reported on the purchase of the new police vehicle, which was a good buy and in excellent condition. He thanked Council for hiring Ruth Beckner as full-time officer.

Solicitor's Report

Miss Shaffer moved to enter into Executive Session as requested by the Solicitor, for the purpose of pending litigation – motion seconded by Mr. Parke.

Unanimously Carried.
8:15 p.m.

Adjournment

Mr. Koval moved to adjourn the regular meeting, motion seconded by Miss Shaffer.

Unanimously Carried.
8:24 p.m.

Benedict G. Vinzani, Jr., Ph.D.
Borough Secretary