

## **Council Meeting**

**April 27, 2009 – 7:30 p.m.**

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

Present: Mary Ann Smith, Fred Rosemeyer, Peggy Shaffer, Ruby Miller, Frank Koval, Council Members. Randy Cox, Chief of Police; William Meyer, Mayor; John Dirienzo, Borough Solicitor; Michele Enos, Assistant to the Manager; Brett Peters, Director of Finance; George Svirsko, Director of Public Works; Ben Vinzani, Jr., Borough Manager; Eric Critchfield, Consulting Engineer. (Sign-in sheet on file.)

Meeting opened with recitation of the Pledge to the Flag.

### Previous Meeting

Miss Shaffer moved to approve minutes of the previous meeting of March 23, 2009 – motion seconded by Mr. Koval.

Unanimously Carried.

### General Public

Douglas Holmes of Dawson said they are performing gas explorations and ask for permission to search within Borough property areas. He explained that they are hired to do field work to study the area because of the Marcellus fault. Mr. Dirienzo said there are existing leases on some of the land but most is not under current lease, and he is not sure of the impact on their request for separate authorization if they are not interested in leasing. Mr. Holmes said that as a contractor he cannot know if they are interested in leasing; the procedure would be to email the information to the project coordinator.

The Solicitor asked if the testing might affect the water. Mr. Holmes described the work, and pointed out the various areas involved. He said there would be no drilling of holes but it will involve use of a 54,000 pound vehicle and a supervisory person.

Miss Shaffer asked if this would be disruptive to landholders and how long they will be in one area. Mr. Holmes said the farmers would be inconvenienced since there will be approximately 18 people moving cables out of the field. The job will last approximately three weeks. Mr. Mostoller asked about the purpose – Mr. Holmes indicated that it is for

subsurface study of the Marcellus formation. Mr. Dirienzo said this company was hired to locate areas that might produce gas from the Marcellus formation, thought to be 16 square miles.

In answer to Mr. Mostoller on whether results of the study would be made available and whether the process ever destroyed a well, Mr. Holmes explained that their job is only for the vibration data reflections, and he is not aware of any well damages. Miss Shaffer asked what the company's intent would be if they find gas. The Solicitor said if they find gas, they will lease. Their company will notify property owners of the job time period. He said those who signed leases have given their consent, and asked if their company checked each owner for signatures. Mr. Holmes said they send letters. He explained that they work on foot to lay the cables and also use ATVs. They place flags along the location. Mr. Vinzani said a vote must be taken at a public session; the earliest a decision could be made would be at the next council meeting. Mr. Holmes was thanked for his presentation.

Mrs. Smith said Council will reconvene after the Executive Session, and take Public Comments.

#### Executive Session

Mr. Rosemeyer moved to enter into Executive Session, for the purpose of negotiations - motion seconded by Miss Shaffer.

Unanimously Carried

8:08 p.m.

Regular Council Meeting reconvened at 9:40 p.m.

#### Payment of Bills:

Mr. Koval moved to pay the bills as printed. Motion was seconded by Mr. Rosemeyer. Vote: Mr. Rosemeyer, yes; Miss Shaffer, yes; Mrs. Miller, yes; Mr. Koval, yes; and Mrs. Smith votes yes.

Unanimously carried

#### New Business

##### (a) Economic Development Council - KOZ Designation

Miss Shaffer moved to grant the request from the Somerset County Economic Development Council to extend the time for the KOZ designation for certain parcels in our Industrial Park. Motion was seconded by Mrs. Miller.

Unanimously carried

(b) PennDOT Traffic Study

It was discussed to write a letter to Penn Dot requesting information concerning a traffic study and to clarify what parties are financially responsible if the study shows that traffic signalization is warranted. Council decided to table this issue until they receive more information concerning traffic studies.

(c) Robert Baum Stop Sign Request

Mr. Vinzani stated that Council received a copy of the request from Mr. Baum concerning the intersection of Patton Street and Grandview Avenue. He believes that intersection warrants a stop sign to be place there. After a brief discussion, Council asked the Chief of Police to conduct a study of that intersection and report back to Council with his recommendation.

(d) Utility Relocation Reimbursement

Mrs. Miller moved to execute the Agreement with the Turnpike Commission for the Toll Booth Road Construction Project; motion seconded by Mr. Rosemeyer.

Unanimously Carried.

(e) EADS Engineering Agreement

Regarding the Agreement for Engineering Services for the Utility Relocation Project with EADS Engineering, discussion ensued, with questions concerning payments for this project, paid by the Turnpike Commission. Mr. Critchfield mentioned that it is reimbursable. Mr. Vinzani said we worked with an estimated budget.

Mrs. Miller moved to execute the Agreement for the Engineering Services for the Toll Booth Road Construction Project – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

(f) Library Board of Directors

Mrs. Miller moved to reappoint G. Henry Cook to the Biesecker Library Board of Directors – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

Mr. Rosemeyer moved to reappoint James O. Courtney to the Biesecker Library Board of Directors – motion seconded by Mr. Koval.

Unanimously Carried.

Miss Shaffer moved to appoint Ralph Egolf to the Biesecker Library Board of Directors – motion seconded by Mrs. Miller.

Unanimously Carried.

(g) 2006 Uniform Construction Code

Mr. Vinzani said we are enforcing the 1982 BOCA Code, and he does not know if there is a source that can identify the changes between the 81 BOCA Code and the 2006 or later version of the UCC Code. Mr. Dirienzo said there may be a newer version of the code. Mrs. Miller asked to revisit the code and consult with Ebensburg and other areas to see how many have switched from the old system. Mr. Dirienzo said a newer version of the old code may not be better for us than what we already have. This was tabled until next meeting.

(h) Donation Request

Miss Shaffer moved to donate \$500 dollars to the Listie Fire Department in answer to their request, as second responders - motion seconded by Mr. Rosemeyer.

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

Unanimously Carried.

Committee, Administration, Special Reports

Manager - Mr. Vinzani reported that cleanup week is completed and there were many requests for our compost. We are attempting to learn as much as possible on the stimulus monies, and the gas exploration companies. A grant was received from DEP for our stream maintenance of Coxes Creek.

Public Works - Mr. Rosemeyer reported that he attended the PA Association of Borough's training program. He spoke with the State Legislator and State Senator. He brought back information concerning maintenance, recreation and the American Recovery stimulus monies, to be included in Council packets.

Mrs. Miller informed Council that the Somerset County Boroughs Association meeting is scheduled for May 13, 2009 in Meyersdale. They discussed hosting the next meeting.

Public Safety – Police Chief Cox is in the process of applying for grants for mobile data terminals in each municipal cruiser in the County, and to build a network for them to communicate; also for the full-time position and retention of the existing part-time clerical position. This would be for the two-year period.

Finance Committee – Mr. Peters stated that the last report showed the budget at 25 percent and we spent less than 25 percent of our budget. Taxes are beginning to arrive.

The subject of flu immunizations was mentioned. The Coordinator with the Somerset County Emergency Planning is asking if the Borough wants to take any action. Mr. Vinzani explained that they have a program with Somerset Hospital regarding inoculating employees exposed to blood-borne pathogens. In case of an outbreak in this area the Somerset High School would be a distribution point, with police security at the site and volunteers lined up for distribution.

Equipment Committee – No Report.

Shade Tree Committee – No Report.

Somerset, Inc. – No Report.

Solicitor Report – Already discussed in executive session.

Mayor Report – No Report.

#### Adjournment

Mr. Koval moved to adjourn, seconded by Mrs. Miller.

Unanimously Carried

10:15 p.m.

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

Somerset Borough Manager