

Somerset Borough Council Meeting
August 24, 2009 7:30 p.m.

The meeting was called to order by Council Vice-President, Ruby Miller.

Present: Borough Council Members Ruby Miller, Fred Rosemeyer, Paul Urbain, Hank Parke, Frank Koval, Peggy Shaffer. Mr. Meyer, Mayor; Mr. Cox, Chief of Police; Mr. Vinzani, Borough Manager; Mrs. Enos, Assistant to the Manager; Mr. Peters, Director of Finance; Mr. Svirsko, Director of Public Works; Mr. Dirienzo, Borough Solicitor and Mr. Reilly, Borough Engineer. Sean Garrigan, Somerset Inc.; Craig Weaver, EADS; Jerry Lyons, Somerset Volunteer Fire Department.

Meeting opened with recitation of the Pledge to the Flag.

Previous Meeting

Minutes of the previous meeting of July 27, 2009 were approved on motion by Mr. Koval, noting a correction on the meal policy tipping percentage of 15% not \$15.00. Motion then seconded by Mr. Rosemeyer.

Unanimously Carried.

General Public Comments

Jerry Lyons, Somerset Volunteer Fire Department, informed Council that a pole in back of the Public Safety Building was filling up with water. The old generator fuel tank had been left in the ground and the pavement is beginning to cave in. They are concerned that a heavy rainfall may cause loss of support of the pole. Mr. Vinzani said he will check on this.

Payment of Bills

Mr. Koval moved to pay the following bills as printed and read, seconded by Mr. Rosemeyer:

Check Numbers 13944 to 14121

Total Amount \$306,154.74

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

Unanimously Carried.

Old Business

(a) Parking – 300 Blocks of West Garrett and West Sanner Streets

Mr. Rosemeyer reported he met with those regarding the request for parking. They are asking for residential parking only, Monday through Friday, 7 a.m. to 3 p.m. To get the sticker, each family will pay ten dollars, as with other places in the Borough, ten dollars a year and a dollar for visitors' parking. They were given a copy of the procedures. It must go to the Borough Planning Commission and at least 70% of the households on the street will have to agree.

Mr. Cox said a survey will be performed, on which cars are parked there, how long, and whether they belong to residents along the street. It might be beneficial to take the signs down or cover them at least during the tallying period. They are not enforceable now. Mr. Vinzani said Council needs to formally refer it to the Somerset Borough Planning Commission as the next step in the process.

Mr. Rosemeyer moved to refer this to the Somerset Borough Planning Commission, motion seconded by Mr. Parke.

Unanimously Carried.

(b) Hickory Hill Sewer Project

Mr. Vinzani said Mr. Reilly prepared a synopsis of the Hickory Hill Sewer Project and the Borough's potential share of this project if Council wanted to continue with a joint project with Somerset Township. Bids were received and opened, with Maust being the apparent low bidder. Our total estimated construction cost for the borough's share was about \$558,000.00 and the Township's would be a few hundred thousand. This excludes any unanticipated costs. We need to make a decision on whether we are going to award the bid and put a financing mechanism in place. To finance this might require an adjustment to sewer rates.

Mr. Reilly mentioned the project will be prevailing wage and the time frame is 180 days, standard for a project of this size. Mr. Vinzani said we have a grant application in for the PA H-20 Program, which automatically gets considered for the second round, but we won't know if we are funded until September or November. We may get the funding later. A question was asked if there would be rate adjustments for just this project area or a regular rate increase. Mr. Vinzani said it would be similar to the current water/sewer rate structure that we adjust periodically.

The bids can be held for 60 days unless awaiting government action which delays the awarding of bids. Mr. Dirienzo said we still have right-of-way issues, also the possibility of reaching an agreement with the low bidder. Mr. Vinzani said if we reach an agreement with the lowest bidder for a 30-day extension on award of the bid we can put together the information like financing, etc. and know the extent of any necessary rate increase.

Mr. Dirienzo asked about an alternative to the PA H-20 funding. Mr. Peters pointed out that we are looking at \$500,000 and will never receive any back. They are going to become Township customers and we have to pay the Township for taking the sewage, plus pay them more than what we actually collect from our residents.

Mr. Rosemeyer moved to table this until we know what it is going to cost the ratepayers and all other facts. Motion was seconded by Mr. Parke.

Unanimously Carried.

Concerning question on whether a 30-day extension with the contractor can be negotiated, Mr. Rosemeyer moved to amend the original motion on the table to include the 30-day extension on the bid award – motion seconded by Miss Shaffer.

Unanimously Carried.

New Business

(a) Resolution for Tax Collection Committee # 2009-08

The Manager reported that prior to September 15th; each municipality having an earned income tax needs to appoint a voting delegate to a Tax Collection Committee. Information from PSAB was distributed and we want to be in compliance with the time frame.

Mr. Urbain moved to authorize the Resolution as recommended: primary voting delegate, Brett Peters; first alternate delegate, Benedict G. Vinzani, Jr.; second alternate delegate, Michele Enos – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

(b) Somerset Inc. "Preserve America" Application Resolution 2009-09

Sean Garrigan, Somerset Inc., reported that they are pursuing a designation facilitated through the National Park Service for "Preserve America Communities" which is the first step in designating a community as an historic community. This designation

makes it eligible for grant funding for planning and historic preservation. It requires a resolution, and they would be in partnership with the Borough. They are asking the Borough to pass this resolution and they will need a signature from the chief elected official.

Mr. Parke moved to pass the requested Resolution, motion seconded by Mr. Rosemeyer.

Unanimously Carried.

(c) Somerset County Economic Development Council

The request for membership dues will be addressed at next month's meeting. Executive Director Jeff Silka is unable to be present at our Council meeting.

(d) Borough Property in Jefferson Township

Craig Weaver, EADS, stated that the County Commissioners are considering replacement of a bridge on Duck Pond Road, owned by Somerset County. The design of this new bridge will cause additional flooding on the Borough's property during the 100 year flood event.

The issue is the hundred-year flood. They cannot make the bridge large enough to accommodate the extra flow; the bridge would have to be raised. They would be making the bridge larger and improving flooding conditions, but raising the 100-year flood a little less than four inches. In order for the County to get a permit from DEP they must abide by their requirements - if they cause flooding on the upstream property owned by Somerset Borough they have to purchase a flow easement. This is intended to compensate the upstream owner for reduced property values. The property is thick in vegetation, with no potential development for this property.

DEP would ask the Commissioners to delineate the additional width for the 100-year flood. They are trying to circumvent this, recognizing that they do not believe it is causing any adverse impact on use of the property. They are asking the Borough to provide them with a letter stating that they have been apprised of the consequences of the project, and have no objection. They hope that this letter, included in their permit application to DEP, will cause them to forego the easement requirement. He said that if they go through the process of acquiring a flowage easement, they would have to prepare a right-of-way plan for this piece of property, which means additional engineering to establish the delineation, delaying the project of approximately six months to a year. The project is funded with 80 percent federal dollars, 15 percent state dollars and five percent County dollars. The County dollars are being covered through Act 26 funds.

Mr. Vinzani said that if Council does not object, the requested letter would state that the Borough is aware of potential impacts to the Borough property and that the impacts are acceptable. Mr. Weaver said they started the project in 2007, completing all preliminary studies. The project is to replace the bridge with a minimal amount of roadway work. It will become one-lane. With an increase in the 100-year flood elevation, there is some impact on the economic value of this property.

Question and answer session followed – it is wide enough for emergency vehicles, there will be a full lane with shoulder area. A detour will be in effect during replacement. There will not be a weight limit in the future, at this time it is thought to be three tons.

Mr. Parke moved to accept additional flooding, and to write and sign the letter which was requested by EADS on behalf of the County Commissioners. – motion seconded by Mr. Urbain.

Unanimously Carried.

At this point the Solicitor asked about the formal easement being accepted, since the letter technically is not a formal easement but consent by the landowner to accept flooding to a greater or lesser degree. The only difference is that it is not recordable.

(e) Police Officer Training

Mr. Cox reported that the Governor and both Houses of the State Legislature are considering slashing MPOETC (the Municipal Police Officers Education and Training Commission) funds, , which affect us. MPOETC does mandatory/non-mandatory training. He explained that our officers are often sent to training where we pay the wages and tuition is picked up by MPOETC. Major Gallagher, Executive Director of MPOETC, estimates that the \$59.40 per officer per missed class of mandatory training will end up being low. It could become more than twice this amount if funding should leave MPOETC. He asked Council to send letters, as a body, as well as individually, to Senator Kasunic and Representative Metzgar asking them to restore MPOETC funding. This has been a decades-long tradition of funding. Council will end up paying for the additional training if we do not get this money.

Mr. Rosemeyer moved to write the letters as a group, and individually to support the State Police and Chief on this issue – motion seconded by Miss Shaffer.

Unanimously Carried.

(f) Red Knights Motorcycle Club

Mr. Koval explained that this is a motorcycle club for EMS personnel and volunteer firefighters to raise money for different organizations. Their chapter is out of Berlin, and is nationwide. They are doing a ride this year and everything they raise is distributed out. They are requesting a donation this year to sponsor a benefit ride to raise money for the Humane Society.

Mr. Urbain moved to donate \$100 to the Red Knights for a ride to raise money for the Humane Society.

At this point, Mr. Parke questioned about our prior donation to the Humane Society. Mrs. Miller explained that we donated half of what they asked. Mr. Urbain said we spent \$6,000 dollars on donations and have \$11,800 budgeted.

Motion was then seconded by Mr. Rosemeyer.

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

Carried 5 yes - 0 no – 1 abstention
(one abstention – Mr. Koval)

(g) Football Boosters

Mr. Vinzani said the Borough had contributed to a request for a quarter page advertisement in the Boosters magazine in 2006 and 2007. We were not approached last year.

Miss Shaffer moved to advertise in the Football Boosters booklet, at \$35.00 per quarter page – motion seconded by Mr. Urbain.

Unanimously Carried.

Mr. Cox then offered to contribute towards a \$60.00 half page advertisement, and to guarantee \$25.00 from the police officers. The advertisement would be a joint one from the Borough and its Police Department. The police officers will donate towards the \$25.00 difference.

Miss Shaffer moved to amend the motion to place a half page advertisement in the Football Boosters booklet, with the police officers picking up the difference between a quarter page and half page advertisement - motion seconded by Mr. Urbain.

Unanimously Carried.

Mr. Parke suggested setting up criteria for donations, since there are other booster organizations. Mr. Vinzani said this was discussed with the Finance Committee, and they would like input from Council Members. This can be addressed at our next Finance Committee discussions.

Mr. Cox clarified that the money he specified for additional training will show that all of their missed classes were completed in the first half of the calendar year, second half of the budget year. Therefore, we won't need any increase in training funding because of the timing of when the training was completed.

(h) Jefferson Township

Mrs. Miller reported on the meeting with Jefferson Township, including the Borough's Municipal Authority. All three parties agreed to work together. She said the Municipal Authority moved to proceed with an Agreement with Jefferson Township.

Solicitor Dirienzo said the terms are somewhat different. Jefferson Township, through the Township or its Authority, would be doing a capacity buy-in for 50,000 gpd for somewhere between \$209,000 and \$210,000 dollars, guaranteed without conditions. A rate would be developed for actual consumption thereafter as a payment toward the operation and maintenance. The number looked at now is approximately the same that was developed and presented in the first place, in the letter that the County rejected. This would still be the rate structure, but that's not actually for the sale of water. That is supplemental to processing the water capacity that they purchased.

He said he got a draft of a first level agreement from the Jefferson Township special counsel. We need to make adjustments to it. The opportunity for the purchase of additional water beyond that 50,000 does exist. The difference would be that if they wanted to purchase something beyond the initial 50,000 we would do it but we could resist doing it if we did not have the capacity available at the time. This brings up the issue related to the permitting process.

Mrs. Miller said Mr. Critchfield is going to the DEP in September. Mr. Rosemeyer said the Borough can provide the water for Jefferson Township and they want to work with us and our Municipal Authority. What the County wants to do is run a line from one point to another which is almost six million dollars of taxpayer money. Mr. Dirienzo mentioned that the Somerset Borough Municipal Authority acted to authorize entering into that Agreement once it was finally developed. They also urged Council to do the same. Council could not act that night because there was not a quorum; action was deferred until tonight.

Mr. Rosemeyer said the issue is that we can provide water instead of the county building a six million dollar line.

Mr. Meyer said this was discussed at the joint meeting and that the Municipal Authority is recommending that we authorize the Agreement for sale of water to Jefferson Township, therefore it is for us to say if we will authorize the Agreement or not. The Solicitor said Council did not have a quorum in attendance; and Jefferson Township was represented by their Chairman, Township Secretary and special solicitor, Attorney Barbin.

Mr. Parke moved to go enter into the Agreement, seconded by Mr. Rosemeyer.

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

Unanimously Carried.

The Solicitor said the Authority authorized a re-inquiry in response to Attorney Rullo's letter suggesting that the two things that he raised as reasons in the letter were not in our view, a reason to say 'no' to that proposal (regarding the choke point and source of water being Laurel Hill). This was going to be done by a reply letter, raising these points and stating that 'we're still prepared to do this'. The letter would have come from him on behalf of both bodies if both authorized it. The Authority wanted it done and was prepared to act because they had a quorum. He deferred sending it. He said he would sign it and would indicate on the letter that he is signing it on behalf of both bodies.

Mr. Parke moved to send the letter, with the signatures as agreed upon – motion seconded by Miss Shaffer.

Unanimously Carried.

Committee – Administration - Special Reports

Manager's Report

Mr. Vinzani reported on the following:

- An energy audit of our Public Works garage was performed by the Hite Company.
- "Night Out" was held August 1.
- He attended the meeting of Southern Allegany Planning and Development Commission's Energy Advisory Council.
- The Drought Task Force meeting was held August 11th.
- August 3rd and 18th – Shade Tree Committee met.
- Mrs. Enos prepared our application for energy efficient improvements at our Public Works Garage for a new heating system; new lights and insulation in the garage ceiling. Everything applied for was part of our energy audit by the Hite Company,

at no cost to us. This program is part of the Federal Stimulus Program that we applied for, and we will know in about six weeks if we are approved.

Engineer's Report

The Columbia Avenue Sanitary Sewer Project with the Redevelopment Authority is approaching completion.

Public Works

Mr. Koval reported that the street paving is completed, and silt was removed from the creek behind St. Peter's Church. Mr. Vinzani explained the Penn Dot Route 601 Turning Lane Project, is for a third lane. They have to relocate the sanitary sewer line because they are widening the bridge. In answer to a question from Sean Garrigan concerning street crosswalk re-striping, Penn Dot does the initial striping then leaves it to the municipality to maintain it.

Public Safety Committee

Mr. Cox said the Borough will have the presence of police officers both inside and out of school as before. Regarding the PA G-20 Program request, the Chief received a request to send officers to Pittsburgh. He said the committee felt that we should not approve this request because reimbursement is almost impossible. Even if we would send them, they do not have the liability and immunity provisions worked out. Pittsburgh government will not pick up worker's compensation.

Requests have been sent nationwide, police officers are coming in from as far as Los Angeles, New York and Baltimore, but we have our local concerns such as the liability and immunity aspect. The larger departments may be looking at 100 officers acting as a group and trained together, etc. If we would be sending officers we would be looking at sending three officers. They would not be trained and equipped, and would be covering things like guarding a parking lot full of police cars, directing traffic, etc. Another issue is Flight 93 – we have to assist federal, state and everybody for 911. Mr. Cox noted that most of this is covered by officers volunteering their time.

Mrs. Miller expressed appreciation of the fire company for use of the Community Room for the upcoming Somerset County Boroughs Association meeting.

A letter of thanks will be sent to Officer Santa, under the signature of the Vice President of Council (on behalf of Council) for his efforts during National Night Out. Mr. Vinzani will prepare the letter, with the proper signature. Appreciation was expressed by Chief Cox for the letter of thanks to the officers that was recently sent on behalf of Council.

Finance Committee

Mr. Urbain reported that with 58% of the year completed, we have expended 51% of our General Fund Budget.

Shade Tree Committee

Mr. Parke reported the tree survey / inventory. Mrs. Enos said the specialist from Penn State came in and looked over the tree inventory form that our volunteers are using. The volunteers will be saving the Borough money since normally this is done by an outside company at a cost. The only suggestion the specialist offered was to have a certified arborist come in and sort through their findings to make sure he agrees with how they analyze the trees. We have four volunteers doing the inventory. We are trying to use the resources of Penn State through their extension service and Cedar's Urban Tree Guide.

Somerset, Inc.

Mr. Parke commented on the success of Rockin' in the Ridge.

Mayor's Report

The Mayor has nothing more to report. He inquired into the status of the speed limit ordinance in the Hickory Hill, Colby Avenue and Brierwood areas that was authorized some time ago. Randy, Ben and George will provide Jack with a complete list of streets covered by the previous Council authorization.

Solicitor's Report

Mr. Dirienzo requested a brief Executive Session for the purpose of personnel/pending litigation. Mr. Kovel moved to enter into Executive Session for personnel and pending litigation – motion seconded by Miss Shaffer.

Unanimously Carried
8:59 p.m.

Adjournment

Mr. Koval moved, Miss Shaffer seconded to adjourn.

Unanimously Carried.
9:45 p.m.

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