

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

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

Present: Council members Mary Ann Smith; Ruby Miller; Hank Parke; Fred Rosemeyer; Paul Urbain; Peggy Shaffer. Randy Cox, Chief of Police; William Meyer, Mayor; Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; Brett Peters, Director of Finance; George Svirsko, Director of Public Works; Tom Reilly, Consulting Engineer; Gary Thomas and Jerry Lyons, Somerset Volunteer Fire Department. (Sign-in sheet is on file)

Meeting opened with the Pledge of Allegiance to the Flag.

Minutes of Previous Meeting(s)

Mr. Urbain moved to approve minutes of the Joint Council / Municipal Authority Meeting of August 10, 2009, seconded by Miss Shaffer.

Motion Unanimously Carried.

Mrs. Miller moved to approve minutes of the August 20, 2009 Joint Council / Municipal Authority Meeting, seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

Mr. Parke moved to approve minutes of the August 24, 2009 Council meeting, seconded by Mrs. Miller.

Motion Unanimously Carried.

General Public Comments

(a) Hickory Hill Sewer Project

Vincent Jacob presented a petition which represents homeowners of the Hickory Hill area, asking Council to fund the Sewer Project for their neighborhood. This is scheduled later in the agenda for discussion.

(b) Stormwater Issue

John Mascetti stated his concern regarding an adjacent home which was built on a vacant lot and is now causing storm water problems at his home. He said the neighbor failed to connect to the storm drain, which was then re-directed but is now causing runoff onto his property.

Mr. Vinzani explained that the Borough insures that storm water is not connected to the sanitary system. He said they did let the neighbor know where the nearest storm sewer system is located, and we have done what our ordinance requires. We will not dig on private property. They may pursue remedies outside of our procedures in an attempt to solve the problem. Our storm sewer goes through a series of non-public rights-of-way after it leaves the main line. Mr. Mascetti mentions that our Inspection Department criteria states that “no runoff shall go onto a neighbor’s property after development”.

(c) Sidewalks – Franklin Avenue

Roslyn Ann Pugh referred to a petition signed by residents on Franklin Avenue asking to have sidewalks placed down Franklin Avenue. Mr. Vinzani disclosed to Council that his property is one of those properties that do not have a sidewalk along Franklin Avenue. Mr. Blaine Baker, who owns the other property on Franklin Avenue, was present and stated that if he is forced to have sidewalks in front of his property then he expects that Council will force everyone in the Borough to put sidewalks in where they do not exist. Mr. Vinzani advised Council that South Franklin Avenue is a Penn Dot street.

They discussed the addition of crosswalks. Mr. Cox said a crosswalk exists at every intersection whether painted or not, and the addition of the sign would not give them an advantage of enforcement. Mrs. Pugh emphasized that they want a safe side of the road for school children to walk. Mrs. Smith thanked her for bringing this to Council’s attention. Mrs. Miller asked if we could contact Penn Dot regarding placing two crosswalks, and they discussed various placement options.

Mr. Vinzani explained that Penn Dot would do a study, go through their procedures, and look at the area. Mr. Cox pointed out that a pedestrian has the right-of-way only when they are in the crosswalk, and many assume that because the sign is there that they have the authority to cross outside the designated crosswalk area, creating a false sense of security. The car still has the right-of-way.

Mrs. Miller moved to give the Borough Manager the authority to contact Penn Dot to inquire about placing crosswalks at both ends of the football field parking lot on Franklin Avenue – seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

Mr. Blaine Baker again pointed out that there are many property frontages with no sidewalks, and if his area is required to have sidewalks, all areas in the Borough should be required to have sidewalks.

Mr. Cox said this is technically not a school zone, though this does not mean it cannot become one, which would require Penn Dot's approval. Council could inquire about establishing a school zone at the same time as talking to them about the crosswalks.

Mrs. Miller amended her motion to include having the Borough Manager inquire about establishing a School Zone on Franklin Avenue - seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

At this time Council member Rosemeyer referred back to Mr. Mascetti's storm water matter, covering topics such as direction of the drain, digging to search for the adjacent connections, and possibility of a civil law suit. The Solicitor said the Borough has done all that it is able to do under the circumstance. Mr. Mascetti said the Inspections Officer sent his neighbor a letter stating that he must connect the gutters to the storm drain. Mrs. Smith said Council should review Mr. Jury's letter, and table this item until next meeting after further investigation.

Bill Payment

The Finance Committee reported that approximately 75 percent of our revenue has been spent, at 75 percent of the year, and we are where we should be.

Mrs. Miller moved to pay the following, motion seconded by Miss Shaffer:

Check Nos. 14305 to 14494 Total: \$277,416.44

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

Motion Unanimously Carried.

Old Business

Hickory Hill Sewer Project

Mr. Vinzani reported that there have been no additional decisions on our PA H-20 grant which would be used to fund this project. Previous reports indicated the various options available, with possible financial impacts. One option would be to award the project; second option would be to award the project and anticipate receiving the grant, which could eliminate or significantly reduce any rate increases. Third option would be to reject all bids. At this time, we have bids that have been opened, and are waiting for Council's action.

Mr. Peters said we have water fund surpluses. There is a small amount of surplus in the sewer fund but not enough for this project; we would have to do another financing through our water fund surpluses if this would be Council's wish. Borrowing from the water fund would result in a rate increase because we still need to pay ourselves back.

Mr. Dirienzo said we do not have all the rights-of-way that we need. Some may need to be acquired through condemnation that may be in the Township, which requires an extra step involving an agricultural security area. The bids have been opened, tabled and extended until the end of this month.

They discussed right-of-ways in the Township, weather conditions, and when construction would begin. The Solicitor said this was put together as a Somerset Borough lead project, just as Somerset Township has taken the lead on other projects involving both municipalities.

Mr. George Chilli of McKinley Drive pointed out that McKinley Drive and Clover Hill Road are narrow streets and any construction project started in the Fall would be difficult. Waiting to start in the spring would avoid working in bad weather. Discussion continued, concerning whether the bid could require the stipulation to start construction in the spring. If this is not acceptable we would have to reject all bids and re-bid the contract.

The Solicitor said he believes we could not move to award the contract on the condition that the contractor agrees to delay construction until spring, at the same price. Until we know, we cannot commence condemnation proceedings, and those in the Township would require that extra step. He advised that if the contractor would agree to hold the price and extend the contract until spring, we could move to officially make this request, and if we get this confirmation by November's meeting we could make the award based upon an up-front change order. By this time the H-20 grant might be available.

Mrs. Miller moved to ask the contractor to hold the price, and defer the starting date until April 1st, with a response to this by our November meeting. If we have a written confirmation, we will award the contract - seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

New Business

Somerset Volunteer Fire Department Request

Mr. Urbain, Finance Committee Chairperson, said the committee recommends donating \$750.00 to the Fire Department for their new ladder truck.

Mr. Thomas thanked Council and the Public Safety Committee on behalf of the Fire Department for the award they received for Fire Prevention Week. He described the new truck – they went with a smaller ladder truck and will have the large one fixed. This truck will reach into smaller streets and can be set up in residential areas. Two ladder trucks will help with larger fires in the industrial parts of the district. They have a fund drive going on, with good response from the businesses. He said they are attempting to arrange the budget to allow for a new truck and piece of equipment every 3-4 years, in order to avoid having to buy several items at one time.

Mr. Rosemeyer moved to donate \$750.00 dollars towards purchase of the new ladder truck – seconded by Miss Shaffer.

Motion Unanimously Carried.

Somerset County Economic Development Council

Mr. Silka, Director of Somerset County Economical Development Council, provided a general description of the Development Council, stating that they are a non-profit, private corporation, not a County Agency or Board. They operate on a \$225,000 General Fund budget comprised of \$40,000 in County donations. Money is received from the State under their Local Economic Development Assistance grant, which will be cut 50% next year.

They provide a wide range of economic development services for the County, and financial packages for industrial parks and major corporations. He said there is a need for more localized development in the area. They try to get some of our store fronts and smaller shops tied into the funding. They feel there is a need for economic restructuring a portion of the Main Street Program, and will lend a hand in helping to coordinate services.

He covered topics such as attempting to get a new tenant for the Gilmour Building, and the need for having vacant, good quality industrial buildings to attract new people. They will be spending \$20,000 dollars per year on a new site-selector website that will show a property, place it on a map, with demographics and statistics.

Mr. Rosemeyer moved to donate the Year 2009 Membership Dues to the Somerset County Economic Development Council, seconded by Miss Shaffer.

Motion Unanimously Carried

Barbers Law Firm - Tree Removal Request

Mr. Vinzani said we received a request to pay for a tree and a portion of sidewalk in front of 146 West Main Street. Mr. Vinzani referred to the Borough Code,

Chapter 161, Article 5, that states, “cost of planting, replanting or removing a shade tree shall be paid by owner of the property fronting it.’ Chapter 164, Article 20 states: “owner is required to keep the sidewalk fronting his property in good order and repair.”

Mr. Parke moved to deny this request, seconded by Mr. Urbain.

Motion Unanimously Carried.

Adding New Shade Tree Committee Member

Mr. Parke moved to appoint Sean Garrigan to the Shade Tree Committee, seconded by Mrs. Miller.

Motion Unanimously Carried.

Claude and Lynette Rouleau Subdivision Approval

Miss Shaffer moved to approve the subdivision of Claude J. and Lynette C. Rouleau, as recommended by the Planning Commission, seconded by Miss Miller.

Motion Unanimously Carried.

Council Meeting Date Change

Mrs. Miller moved to change the December Council meeting date from December 28, 2009 to December 21, 2009.

Motion Unanimously Carried.

Resolution No. 2009-10

Mr. Vinzani offered an explanation of the State Aid monies, formerly called “foreign fire casualty monies” received from the State and delivered to municipalities having pension plans. Its proceeds are received from State insurance companies selling insurance in Pennsylvania, creating money that goes to municipalities having qualifying pension plans.

Miss Shaffer moved to pass the following Resolution, seconded by Mrs. Miller:

RESOLUTION NO. 2009-10

WHEREAS, the Borough of Somerset has received a direct deposit from the Commonwealth of Pennsylvania dated September 21, 2009 in the amount of One Hundred Forty Seven Thousand, Sixteen and 64/100 (\$147,016.64) Dollars, representing the Commonwealth’s allocation from the General Municipal Pension State Aid Program, and;

WHEREAS, Act 205 of 1984 provides that pension allocations must be deposited in the Municipal Pension Plan within thirty (30) days of receipt by the Municipal Treasurer, and;

WHEREAS, the governing body must determine by Resolution the amount to be distributed into its various plans;

NOW THEREFORE, BE IT RESOLVED, that Twenty Thousand, Eight Hundred Thirty Seven and 64/100 (\$20,837.64) Dollars be allocated to the Non-Collective Bargaining Pension Plan; Forty Four Thousand, Three Hundred Nine and 00/00 (\$44,309.00) Dollars be allocated to the Non-Uniformed Collective Bargaining Pension Plan; and Eighty One Thousand Eight Hundred Seventy and 00/00 (\$81,870.00) Dollars be allocated the Police Pension Plan.

Motion Unanimously Carried.

Resolution No. 2009-11

Miss Shaffer questioned whether our selection of an accounting firm is bid out. Mr. Vinzani explained that it is a professional service and not subject to required bidding. He pointed out that they are located in the Borough, and have the advantage of a continuation of knowledge of our operations and accounts, whereas a new firm may not have the pre-existing knowledge of our operations and may result in a higher bid. Their set price goes up minimally each year.

Mrs. Miller moved to pass the following Resolution, which was seconded by Mr. Rosemeyer.

RESOLUTION NO. 2009-11

WHEREAS, The Borough of Somerset has by ordinance established the use of Certified Public Accountants to audit Borough Accounts, and;

NOW THEREFORE, We, the Council and Mayor of the Borough of Somerset, designate Friedline, Pison & Company to audit Borough Accounts for the year 2009.

Motion Unanimously Carried

Equipment Purchase.

Mr. Svirsko said they have a quote from D&B Auto for purchase of a 2004, ¾-ton Chevy, with 98,000 miles, 4-wheel drive, and bed liner, at \$9,800.00 Dollars.

Mrs. Miller moved to purchase the vehicle for the Public Works Department, seconded by Miss Shaffer.

Motion Unanimously Carried.

PSAB Fall Conference Report

Mr. Rosemeyer reported that he and Mr. Koval attended the PSAB conference. They brought back informational notes and a list of vendors for the Maintenance Department. He recommended looking at lighting and solar products for our street

lighting. A speaker for The Institute for Policy and Development presented an overview of elections, and a Congressman from the Erie area spoke about the new Transportation Bill. He said they want to move the truck vehicle weight up to 97,000 pounds which would cause more damage and danger to our roads.

He also attended the PA Police Services group addressing the pros and cons for regional policing and distributed material for review. He recommended attendance at the meetings.

Committee Administration/Special Reports

Mr. Vinzani circulated letters on various projects that we have been involved in. Christmas lights will be installed November 7th. He reported that PSAB sent us the Cecil K. Lieberknight Award, presented to Mary Ann Smith for her 10 years of dedicated service to the Borough of Somerset.

Equipment Committee

Mrs. Miller said they are planning for necessary purchases for next year.

Public Safety Committee

Concerning the Police Department budget, Mr. Rosemeyer reported that the Chief saved money this year. A side car that will extend use of the motorcycle is being considered. Mr. Cox explained that we lose usage of the motorcycle during winter months because of anti-skid debris which makes the road dangerous. They will try to estimate how much more usage this would provide, and then convert this into gas savings. Purchase of the K-9 vehicle plus institution of the planned cycle purchasing cruisers contributed toward the savings.

Shade Tree Committee

Mr. Parke said they have been meeting twice per month. They had an inordinate number of requests for removals; some were denied.

Somerset Inc. Representative

Somerset Inc. had their annual meeting. They are having a challenging time with finances.

Solicitor's Report

Mr. Dirienzo said the County apparently replied to the exchange of e-mail and we're at the point where Jefferson Township will need to make a decision to either go with the County plan (the pipeline coming the other direction) or our proposal. They may take a week or so to consider this matter and then make a decision.

Mayor's Report

Mr. Meyer informed Council that four officers attended the Street Survival School in Pittsburgh. All officers in the Department have now completed the course. All officers have qualified for the weapons training. "Pressure point" and "defense attack" training will begin the first two weeks in December, and all officers will then be qualified for the year.

Executive Session

Mr. Urbain moved to enter into Executive Session for personnel discussion - seconded by Mr. Rosemeyer.

Motion Unanimously Carried.
9:05 p.m.

Adjournment

Mr. Parke moved to adjourn – seconded by Mr. Rosemeyer.

Motion Unanimously Carried.
9:30 p.m.

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