

**Meeting of the Council of the Borough of Somerset
November 23, 2009 – 7:30 p.m.**

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

Present:

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

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

Previous Meeting

Minutes of the previous meeting of October, 26, 2009 were approved, on motion of Mr. Koval, seconded by Mrs. Miller.

Unanimously Carried.

General Public Comments

Blaine Baker

Offered comments concerning the Pugh family's petition that was referenced at the October 26th Council meeting, stating that he would like to have a copy.

He said Mrs. Pugh appears to be making an argument about having sidewalks on his property and the Vinzani property. He said he is requesting evidence from the Borough or Penn Dot, documenting that the accident she referred to would have been prevented by sidewalks on these two properties, when it happened on the other side of the road, and if this evidence cannot be provided, he asks Council to publicly dismiss Mrs. Pugh's request to have sidewalks installed on his and the Vinzani property. In addition, he asks that if this evidence cannot be provided, that Council require all property owners throughout the Borough to install sidewalks.

Concerning crosswalks, he said he feels that they can make a situation more dangerous. He pointed out that the School District's adjoining parking lot has vehicles entering and exiting at numerous locations, and the situation that Mrs. Pugh refers to seems to happen only at a home football game.

He said he is respectfully requesting Council to make a decision on this matter at tonight's meeting, and deny Mrs. Pugh's request.

Roslyn Pugh

"I want to say thanks to Ben for writing the letter regarding last month's meeting about the crosswalks. I think it says in here that you guys will talk about that later.

As far as Mr. Baker, what he is saying is true, I have the petition and I'll be happy to give it to you; I apologize that I didn't make copies. I did bring it with me tonight. I also brought two of the neighbors along. I didn't go hog wild; I didn't bring everybody here, but I brought a few of the neighbors along also, if they need to talk. But when he says about the accidents, that the sidewalks may not have prevented this accident – you can't always prevent an accident from happening.

What our goal is, along with the sidewalks and the crosswalks, is to have a safe place for these kids to cross the streets where the cars are expecting them to come out onto that street.

Like he said, uncontrolled access to the football field parking, he's right, it's chaos, especially during school mornings, school kids going in there at every angle, every direction, at night when it's dark outside there is not proper lighting in that school parking lot. It is very hard to see these kids coming out from that parking lot no matter where you come out. And the point was, if we put crosswalks in, maybe the cars can slow down at those crosswalks, and expect people to be coming out and crossing at those crosswalks. It seems like Ben is working on that.

Now if we put crosswalks in, where are they going to cross to? They're going to cross into a grassy area – sometimes it has holes in it, they could fall. It's difficult to walk through there. In the wintertime we got a lot of neighbors; we have a lot of people that walk through there. Instead of going from my house down the road, because there's no sidewalk they have to cross over into a busy parking lot.

So just to avoid people crossing into a parking lot and walking through that parking lot, if we had sidewalks that went clear down Franklin Avenue, then that would keep our kids safe walking to school instead of pushing them over into a busy parking lot and out to the front of the cars.

So we're asking the Borough to please make a decision to help us and get this going – how best to get sidewalks the whole way down. And I agree with him, there are two houses that are missing sections of their sidewalk; if that's something that needs to be addressed, then that's fine.

I have noticed there are times when those people will shovel clear to the end, even though there is not actual sidewalk there, they still do shovel it clear to the end. So in the case of Ben Vinzani and Mr. Baker, they don't shovel at all. So in the wintertime, there is nowhere for anybody to walk. You cannot walk through there, You are walking over into the busy traffic area.

So I ask you to please make a decision, please help us keep our kids safe. There are a lot of people in Somerset Borough that want to see this happen and if we have to continue to fight it, we will, because it's something to keep our kids safe. It's two people; it will not cost the Borough a dime, it will not cost the taxpayers a dime. It is only inconveniencing two people but helping out the entire community."

Mr. Baker said the ground on his property and Mr. Vinzani's property is very level, compared to the sidewalk in front of her (Mrs. Pugh) house.

Mrs. Smith thanked them for their input and asked for any other comments.

Jerry Lyons

Mr. Lyons thanked Council on behalf of the Somerset Fire Department, for the \$750 dollar donation for their new truck.

He reported that they are having a problem in the community room of the Public Safety Building with the ventilation system. They have no control of the temperature in this room, and air is blowing continuously from the vents.

He said they asked Darr Construction about the problem and they, in turn, called the ventilation company. They said they could place an automatic thermostat here that could be turned on and off, for better control. It would disconnect the community room from the rest of the building.

He said they are requesting permission to install this thermostat at a cost of \$550.00. The Ladies Auxiliary said they will pay the costs.

Mr. Vinzani said he believes it is not a warranty issue; it has been over a year since the substantial completion certificate was issued. It is probably a matter of separating the system itself so that it is independent of the whole building.

Mr. Koval moved to have Council grant permission for the Fire Department to make the arrangements to have the thermostat installed noting that the Ladies Auxiliary stated they are paying for this expense – motion seconded by Mrs. Miller.

Unanimously Carried.

Charles Morocco introduced himself as a long-time resident on South Franklin Street. He referred to Mr. Baker's comments concerning conditions at the football parking lot. He said they met with the School and they agreed to place a two-foot line, which he feels is unsafe. He suggested that before any more lining is done, Council request a four-foot line from Franklin Street. He said he saw several accidents at this location, stating that cars

exiting the parking lot need to be in traffic before they can see oncoming traffic. He suggested that something be done on that side of the road.

Miss Shaffer pointed out that in order to have this done, the property owners would be responsible for the pouring and maintenance. Mrs. Miller stated that Borough Council cannot single out two homes and force them to install sidewalks. They would have to make this a Borough wide project. They would have to require all residents who do not currently have sidewalks to install them and I can't, in good conscience, ask residents to do that.

Solicitor Dirienzo said permits would be required for sidewalk work, including removing one and replacing it, plus it would require a survey of the remainder of the street.

Mr. Ron Yoder referred to community college crosswalks with yellow cones, suggesting this as an idea that might work. A suggestion was offered to place cones across the road in the morning or afternoon when students go to school.

Further discussion continued, regarding: sidewalks at the football field; the mound of shale on the sidewalk by the tennis court, making it impossible for students to utilize this sidewalk and Mr. Baker's request for a decision. Mrs. Pugh then asked Council if she could rip out her sidewalks and plant grass. Solicitor Dirienzo explained that by Council not taking affirmative action, Mrs. Pugh's request is deemed denied.

Mr. Vinzani stated that PennDOT reviewed this and recommended crosswalks at two intersections. A mid-block crosswalk is not easy to warrant, however they will approve what was listed in their letter and students could be funneled to the opposite side of the street to sidewalks in those areas.

In answer to question of the School's responsibility, Solicitor Dirienzo said it is their parking lot, they took care of their sidewalks and were seeking reimbursement from the Borough. We respectfully declined; pointing out that the ordinance requires the abutting landowner to be responsible for sidewalks, if sidewalks are there.

Bill Payment

Mr. Koval moved to pay the following bills as printed – motion seconded by Mrs. Miller:

Check Nos. 14495 to 14665 Total: \$296,390.61

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

Unanimously Carried.

Old Business

Hickory Hill Project

Mr. Vinzani said we were authorized to communicate with the lowest responsive bidder, Maust Excavating. The Solicitor will now provide the procedures necessary, should Council choose to proceed with the project.

Mr. Dirienzo said Mr. Reilly prepared a change order, changing the contract in several regards. It would remove the construction start date to April 1 of next year, still allowing for 270 construction days thereafter. If the material is procured and properly stored at an approved location, we pay for it. There would be no change order requests even after the contract starts that would reflect increased costs of fuel or other materials.

We would consider, however, if it applies to this contract, the prevailing wage law that may be rising, by what appears to be a lump sum of \$12,500 dollars. The change order, as prepared, would authorize this as an additional payment if it is applicable to this contract.

Mrs. Miller moved to approve the contract and change order. (The Solicitor pointed out that the original contract cost plus the additional increased cost, if applicable, would raise it from \$750,666.30 to \$763,166.30 dollars.) Mr. Rosemeyer then seconded the motion to approve the contract and change order No. 1.

Unanimously Carried.

Crosswalk – Intersection of Franklin Avenue and Race Street

Miss Shaffer moved to authorize construction of crosswalks at the intersections of Franklin Avenue and Race Street, and Franklin Avenue and Garrett Street, as per the PennDOT response letter. It was seconded by Mr. Urbain.

Unanimously Carried.

Mrs. Miller moved to authorize the School District to complete a study and data sheet for the School Zone request – motion seconded by Mr. Koval.

Unanimously Carried.

New Business

Mr. Vinzani presented the following Proclamation on the 80th Anniversary of the Somerset Daily American:

*WHEREAS, the year 1929 marked the beginning of the Daily American Newspaper in Somerset;
WHEREAS, this newspaper has continued from its humble beginnings to its present state of 85 employees and nearly 14,000 subscribers;*

WHEREAS, July 1, 2009 marks the 80th Anniversary of the Daily American providing services to the Somerset area, being the leader in our community and donating to many local charities sponsoring charitable causes, and;

WHEREAS, the Mayor and Council of the Borough of Somerset wishes to honor, congratulate and recognize the employees of the Daily American and its editor, Brian Whipkey publisher, Andy Bruns and all those before them on this special occasion.

NOW THEREFORE, I, Mary Ann Smith and members of Somerset Borough Council, do hereby proclaim, retroactively, July 1, 2009 to have been the Daily American 80th Anniversary Day in the Borough of Somerset, in recognition of the continuing service to our community and furthermore, extend our sincerest wishes for its continued success.

Mr. Whipkey expressed his appreciation for recognizing their efforts.

Schrock Chiropractic 50th Anniversary

Mr. Vinzani presented the following Certificate of Recognition, to Schrock Chiropractic for 50 years of serving the Somerset Area with chiropractic services, stating that Council is honored to have them as a long-time member of our business community:

On behalf of the Mayor and Council of the Borough of Somerset, we want to congratulate you on this 50th milestone and wish you continued success, today, this 23rd day of November, 2009.

Mr. Schrock presented a brief history of the business and expressed his appreciation for the recognition.

Dana Gehman Resignation

Miss Shaffer moved to accept the resignation of Dana Gehman from the Somerset Borough Planning Commission, to be followed by a letter of thanks – motion seconded by Mr. Rosemeyer..

Unanimously Carried.

Boards and Commissions

Mr. Vinzani said Council authorized Letters of Interest from anyone interested in serving on a board, should there be a vacancy during the terms of office. We have letters on file.

Mrs. Miller moved to ask for Letters of Interest from residents interested in serving on various Boards and Commissions, motion seconded by Mr. Koval.

Unanimously Carried.

Mr. Rosemeyer suggested the Chamber Newsletter as an ideal source for this advertising.

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

RESOLUTION NO. 2009-12

WHEREAS, Ordinance No. 1144, Section XI relating to the Police Pension Fund states that the monthly contributions for participants may be reduced or eliminated by an Annual Resolution if an actuarial study annually indicates that such reductions or elimination for that year will not adversely affect the actuarial soundness of the fund, and;

WHEREAS, a letter dated October 15, 2008 from Thomas P. Weber, M.A.A.A., E.A., Consulting Actuary, W&W Actuarial Services, Inc. states that "the Borough may eliminate employee contributions in the Police Plan for 2009;

NOW THEREFORE, BE IT RESOLVED, that the five (5) percent contributions from the Police Officers for the year 2009 be eliminated.

Unanimously Carried.

Tentative Budgets for Year 2010

Mr. Peters reported that copies of the tentative budget were distributed. The General Fund has no proposed tax increase. He described expenses, current year data with 2008 comparisons, current annual budget, last year's budget, projections for December 2009 and the proposed budget for 2010.

In answer to question from Miss Shaffer on Real Estate taxes being dropped, he replied that this might come in time, with delinquent taxes from the County. He said he left it the same as year 2009 since there is no proposed tax rate increase. He said the General, Water and Sewer Fund levels of service that we saw in 2009 will remain the same in this proposed budget, and they are not proposing any major capital purchases.

Money was transferred in 2009 into a Capital Reserve Fund. We have \$100,000 dollars available in this fund, but no new contributions for 2010 will be added.

The Sewer Fund has a proposed 10-cent rate increase per 100 gallons. The Hickory Hill Project; the Wastewater Treatment Plant Lagoon Liner and debt service will be handled with this increase. The Water Fund has a proposed 10 cent rate increase per 100 gallons for 2010, basically for raw water costs from purchasing Quemahoning water.

Special Revenue Fund is primarily Liquid Fuels money, and grant funds. The money from the State is very restricted in what we can do with it. The Capital Projects Funds includes the \$100,000. We contributed to it in year 2009 and he is not proposing to contribute in year 2010.

The procedure is to adopt the Tentative Budget for public inspection, advertise it and adopt the Final Budget at the December meeting.

Mrs. Smith said the Tentative Budget will show the 10-cent increase in the water/sewer funds and no tax increase for the general fund.

Mr. Rosemeyer moved to adopt the Tentative Budget for year 2010 – motion seconded by Mr. Urbain.

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

Unanimously Carried.

Mrs. Miller moved to authorize the Manager to prepare and advertise the Real Estate Tax Rate Ordinance, the Sewer Rate Ordinance and the Water Rate Ordinance for year 2010 – motion seconded by Mr. Urbain.

Unanimously Carried.

Committee, Administration, and Special Reports

Manager's Report

Mr. Vinzani reported on the following:

- Staff attended a PSAB Webinar on the USDA Rural Development Financing Alternatives for Municipalities.
- Staff attended a PSAB Webinar on Sign Inventory and Management.
- He and George Svirsko attended a Joint Utility meeting on November 4th
- Christmas Decorations were installed on November 8th, with help from the Jaycees and uptown merchants
- Finance Committee met November 9th

- The Light up Night Committee met November 9th
- He and Mr. Svirsko received their annual required training for the Commercial Drivers License Program. Those supervising testing of our CDL employees require this training.
- The Safety Committee met on November 17th and we also attended a Webinar on the Municipal Pension Recovery Act that same date.
- The Shade Tree Committee met and completed the first phase of our tree inventory this fall.
- Leaf collection is completed – 6,000 bags of leaves were picked up.
- We participated in the Federal Stimulus Program summer programs. Tableland presented us with the Achievement Plaque.

Public Safety Committee

Mr. Rosemeyer said the Mayor and Chief of Police are developing a Performance Evaluation System for our officers. The Mayor said it is numbers-based, we will find an average of what every officer is doing in each category. Chief Cox explained that as long as every officer is handling at least 80 percent of the average, based on the 80-20 rule, their performance is viewed as adequate. This focuses on their attention on sharing the work.

He described the Accreditation, which is very work-intensive. Our three O.I.C.'s, Officers' Borosky, Appel and Staib are working on it. The Law Enforcement Accreditation Commission identifies minimum standards of a professional law enforcement agency. We must show that our policies reflect the standard, then show proof that we follow our policies. There are 134 standards. It is expected that we will have our assessment no later than early March, and when the Commission meets, we will hopefully gain our Accreditation.

He mentioned our appreciation of the Somerset Daily American for the outstanding Citizens Guide for the Police Department.

Finance Committee

Mr. Urbain reported that at 83 percent of the year, our revenue at this point is good

Shade Tree Committee

Mr. Vinzani said the Shade Tree Committee met and several applications were approved. We have four volunteers to do the tree inventory.

Solicitor's Report

Mr. Dirienzo reported that we do not have our deal with Jefferson Township signed, and are therefore not able to complete our report to the DEP on the Allocation Permit renewal. The stage where we must set a deadline may be coming soon.

Harry Elton Comments

Mr. Elton introduced himself as a retired Penelec employee, from Texas. He said he is impressed by this area and how Council conducts its business. He said he is concerned about the many mandates and does not want to see rising taxes. He asked Council to set up a fund to take care of some of the mandates, and offered to help in any way.

Executive Session

Miss Shaffer moved to enter into Executive Session to discuss personnel matters. Motion seconded by Mr. Rosemeyer.

Unanimously Carried, 8:55 p.m.

Regular Council session resumed at 9:09 p.m.

Mrs. Miller moved, Miss Shaffer seconded to approve a 2-percent salary increase for management personnel.

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

Motion Carried (4 yes – 2 no)

Mr. Rosemeyer explained his “no vote” commenting that he thinks the increase should be more.

Adjournment

Mr. Koval moved to adjourn – motion seconded by Mrs. Miller.

Unanimously Carried, 9:13 p.m.

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