

## Meeting of Borough of Somerset Council

December 21, 2009 – 7:30 p.m.

Meeting called to order by Mary Ann Smith, Council President.

### Present:

Ruby Miller, Peggy Shaffer, Fred Rosemeyer, Paul Urbain, Council Members. Ben 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; Eric Critchfield, Engineer; Randy Cox, Chief of Police; William Meyer, Mayor.

Meeting opened with the Pledge to the Flag.

### Minutes of Previous Meeting

Miss Shaffer moved to approve the minutes of the previous meeting of November 23, 2009, motion seconded by Mrs. Miller.

Unanimously Carried.

### Bid Opening

Mr. Vinzani stated that the following bids have been advertised, received and opened for fuel, sludge removal and chemicals:

#### Fuels, Year 2010

	<u>Price</u>
Unleaded Gasoline	0.0550
No. 2 Fuel Oil	0.100
Winter Grade Diesel Fuel	0.0600
Kerosene	0.100

Mr. Rosemeyer moved to award the Year 2010 Fuel Bid to Stahl Oil Company, motion seconded by Mrs. Miller.

Unanimously Carried.

#### Dewatered Sludge Removal

From Wastewater Treatment Plant	\$650.00 per dumpster
From Water Filtration Plant	\$650.00 per dumpster

Miss Shaffer moved to award the bids for dewatered sludge removal for 2010 to Waste Management, motion seconded by Mrs. Miller.

Unanimously Carried.

## Chemicals

Aluminum Sulfate	\$ 9.50	per 50 lb. bag
Chlorine	\$720.00	1-ton cylinder
Chlorine	\$ 67.50	150 lb. bag
Corrosion & Scale Inhibitor	\$ 7.90	per gallon
Lime	\$ 17.45	per 50 lb. bag
Potassium Permanganate	\$ 3.35	per lb.
Sodium Bicarbonate	\$ 12.725	per 50 lb. bag
Sodium Florid	\$ 41.25	per 50 lb. bag

Mr. Rosemeyer questioned the chlorine price – Mr. Vinzani explained that some chemical prices decreased and this one increased.

Mrs. Miller moved to award the chemical bids for 2010 to Univar USA, motion seconded by Mr. Urbain.

Unanimously Carried.

### Bill Payment

The bill list was reviewed. Mr. Svirsko explained that the “tailgate release cable” on Unit C is the strap that holds the tailgate level, which can eventually rust then break. Mr. Peters said our instructions are to buy local whenever possible and our purchases are spread out.

Miss Shaffer moved to pay the following bills as printed – motion seconded by Mr. Rosemeyer:

Check Numbers 14666 to 14817                      Total Amount: \$484,152.06

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

Unanimously Carried.

Mrs. Smith said the Tentative Budget was approved at last meeting with no tax increase, but includes a 10-cent per hundred gallon increase for water, and a 10-cent per hundred gallon increase for sewage.

They discussed how this will affect the average household, and Mrs. Smith pointed out that water usage can be controlled by residents. Sewer rates are figured by separate rate per hundred gallons – the sewer bill is based on water usage.

Mr. Peters explained that we are buying our water from the County now, and will have a full year’s worth in 2010; in 2009 we started purchasing water from them since

April, so next year we have a full year and their water is more expensive than water we produce. Mrs. Smith said we agreed to help them get the Quemahoning water.

Mr. Urbain moved to adopt the Year 2010 Budget – motion seconded by Mrs. Miller.

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

Unanimously Carried.

### **Re-enactment of Act 511 Tax Rates**

Mr. Vinzani said the following taxes are re-enacted every year, by motion:

Earned Income Tax -	½%
Real Estate Transfer Tax -	½%
Local Services Tax -	\$47.00
Mercantile/Business Privilege Tax -	½ Mill (current rates)

Mr. Urbain moved to re-enact the 511 tax rates, motion seconded by Mr. Rosemeyer.

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

Unanimously Carried.

### **Real Estate Tax Ordinance for Year 2010**

Mr. Vinzani said this Ordinance has been advertised, and will enact the same tax rates for the Library and Volunteer Fire Department.

Miss Shaffer moved to adopt the following Ordinance for Year 2010, motion seconded by Mr. Urbain:

#### **ORDINANCE NO. 1334**

*An Ordinance of the Borough of Somerset, County of Somerset, Commonwealth of PA, fixing the Tax Rate for Year 2010*

*BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Somerset, County of Somerset, Commonwealth of Pennsylvania;*

*SECTION 1. That a tax be and the same is hereby levied on all real property within the Borough of Somerset, subject to taxation for the fiscal year 2010 as follows:*

*Tax Rate for General Purposes, the sum of 10.89 on each dollar of assessed valuation.*

For Mary S. Biesecker Public Library purposes, the sum of .666 mills on each dollar of assessed valuation.

For Somerset Volunteer Fire Department purposes, the sum of .444 mills on each dollar of assessed valuation.

The same being summarized in tabular form as follows:

	<u>MILLS ON EACH DOLLAR OF ASSESSED VALUATION</u>
Tax Rate for General Purposes	10.89 Mills
Tax Rate for Mary S. Biesecker Public Library	.666 Mills
Tax Rate for Somerset Volunteer Fire Department Purposes	.444 Mills
TOTAL: 12.0 Mills	

SECTION 2. That any ordinance or part of ordinance conflicting with this ordinance, be and the same is hereby repealed insofar as the same affects this ordinance.

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

Unanimously Carried.

### **Water Rate Ordinance for Year 2010**

Mrs. Miller moved to adopt the following Ordinance establishing water rates, motion seconded by Mr. Urbain:

#### ORDINANCE NO. 1335

An Ordinance of the Borough of Somerset amending the Ordinance establishing the rates to be collected from customers of the Somerset Borough Municipal Water System

BE IT, AND THE SAME IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

1. From and after the effective date of this Ordinance, the rate to be charged to all customers of the Somerset Borough Municipal Water System shall be Sixty-Four Cents (\$0.64) per One Hundred Gallons of water.
2. All existing Ordinances or parts thereof that are inconsistent herewith are hereby repealed.
3. This Ordinance shall take effect January 1, 2010.

ENACTED AND ORDAINED this 21<sup>st</sup> day of December, 2009, by the Borough Council of the Borough of Somerset.

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

Unanimously Carried.

### **Sewer Rate Ordinance for Year 2010**

Mrs. Miller moved to adopt the Ordinance making the sewer rate 87 cents per 100 gallons, reflecting a 10-cent per 100-gallon increase.

(At this point it was questioned whether this will affect the new line to be placed at Hickory Hill. Mr. Vinzani said this is to finance the debt service).

Mrs. Miller's motion was then seconded by Mr. Rosemeyer, adopting the following Ordinance:

#### **ORDINANCE NO. 1336**

*An ordinance of the Borough of Somerset amending the Ordinance establishing the rates to be collected from customers of the Somerset Borough Sanitary Sewer System.*

BE IT, AND THE SAME IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

1. From and after the effective date of this Ordinance, the rate to be charged to all customers of the Somerset Borough Sanitary Sewer System shall be Eighty-Seven Cents (\$0.87) per One Hundred (100) Gallons.
2. All existing ordinances or parts thereof that are inconsistent herewith are hereby repealed.
3. This Ordinance shall take effect January 1, 2010.

ENACTED AND ORDAINED this 21<sup>st</sup> day of December 2009 by the Borough Council of the Borough of Somerset.

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

Unanimously Carried.

### **School Zone Study and Data Sheet**

Mrs. Smith said we need to authorize submitting information to PennDOT to make Franklin Avenue a School Zone. Mr. Vinzani said that when this is submitted, results must be implemented by the Borough. It could range from \$13,000 (which is not budgeted). His notes made clear that if we do submit this and they come back with recommendations, they

will be expected to be implemented by the Borough. Whether we get assistance from the School District is immaterial. The letter received from PennDOT showed these requirements.

He said the \$13,000 is not budgeted because it was prepared after our Budget, but we could handle a few hundred to a thousand dollars' worth of signage, which will most likely be the case. We can ask the School Board to pay but they are not obligated to do so. The only thing they are obligated to do is fill out the survey form, which they did. Mrs. Miller asked if anything was said to them about costs – Mr. Vinzani said one of the options would be that we make them aware that we would ask for their participation, and if they ask if it is 50%, 100% or something in between, then Council could choose. It would be a big consideration if at the higher end, and would become a matter of which agency would be more appropriate to fund this.

They discussed the School District sharing the costs, and what the recommendation might be for this area. When PennDOT tells us what has to be done, we will know more about costs such as simple signs or something more elaborate such as a flashing sign with power to the line. They discussed prices on flashing sign hardware, getting power to the site, etc., and Mr. Dirienzo pointed out that since this is all in a School Zone it would not be flashing lights continuously.

Mrs. Miller moved to table the School Zone Study until we approach the School District – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

The Solicitor advised asking the School District to comment on whether they think it should be a School Zone or not, separate and apart from whether they want to share anything.

### **New Business**

Mr. Vinzani said the following Boards and Commissions have terms expiring on January 1, 2010:

**Municipal Authority** - Clyde Mostoller, 5-year term. He has agreed to a reappointment.

**Civil Service Commission** – Stu Kreinbrook, 6-year term. He has agreed to a re-appointment.

**Planning Commission** – William Lehman. He has agreed to a re-appointment.  
Dana Gehman – Planning Commission, submitted his resignation. This will create one vacancy

Zoning Hearing Board – Robert Anderson, 3-year term. He has agreed to a re-appointment, along with Brian Maust.

**Vacancy Board** – Delmas Hutzler – agreed to a re-appointment for a 1-year term.

**Uniform Construction Code Appeals Board**

A person will need to be appointment when we have people interested in this vacancy.

Miss Shaffer moved to re-appoint the members of the various Boards and Commissions as read by the Manager - motion seconded by Mrs. Miller.

Unanimously Carried.

**Mary S. Biesecker Public Library Board of Directors**

Miss Shaffer moved to appoint Marcia Dykstra to fill the unexpired term of Nancy Shaffer on the Mary S. Biesecker Public Library Board of Directors; motion seconded by Mrs. Miller.

Unanimously Carried.

Mrs. Smith stated that the Code Appeals Board will have a vacancy, since Scott Walker will now be a new member of Council.

Miss Shaffer moved to accept Scott Walker’s resignation on the Code Appeals Board – motion seconded by Mr. Urbain.

Unanimously Carried.

**Police Pension Fund Contributions**

Miss Shaffer moved to adopt the following Resolution – motion seconded by Mr. Urbain:

**RESOLUTION NO. 2009-13**

*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 December 3, 2009 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 Pension Plan for year 2010”;*

*NOW THEREFORE, BE IT RESOLVED, that the five (5) percent contributions from Police Officers for the year 2010 be eliminated.*

Unanimously Carried.

### **CSX Offer**

Mr. Dirienzo said more information is needed concerning the CSX offer to sell a strip of land to the Borough of Somerset. There might be water/sewer lines and utilities located along this area, according to our maps. We can refuse to make an offer. It was suggested to offer one dollar; the land appears to be not developable for any useful purpose.

Mr. Rosemeyer suggested that recreational fields might be established if it is large enough. It is not known what their plans are for the track. They discussed whether the Borough might be responsible for liabilities concerning water runoff or widening the creek bed, and the permitting process would be significant. Our maintenance department would maintain it. The Solicitor said that they have to offer it to a municipality, under existing law. No price was indicated in their letter. He said the railroad does not give rights-of-way; they license use of their property and if they no longer own the property, the license does not necessarily follow through to the new owner.

Another potential complication would be if the railroad sells property, it is subject to existing municipally-owned easements. They discussed a reasonable amount to offer, size of the area and whether it is all swamp. More information is needed. If we should want to do anything with it as owners, the EPA permitting process is difficult. No motion was offered.

### **Manager's Report**

Mr. Vinzani presented a Plaque to Mary Ann Smith, expressing appreciation for her 10 years of service to the Borough; and a plaque to Miss Shaffer in honor of her 16 years of service. Each expressed their thanks.

### **Engineer's Report**

Mr. Critchfield offered to answer questions.

### **Public Works Committee**

Mr. Rosemeyer reported on the issue of an alternate shift proposal, to be reviewed by the Manager. Other topic is the Bill in which the PA State Police will be paid by townships that will be expensive for some when the police come into their area. Another consideration is whether we want to pursue the boot ordinance.

Mr. Cox explained that they have reverted back to the former method of pursuing unpaid tickets. He recommended giving this system a chance, then if we still have problems, revisit the boot issue. He explained the ticket citations – many costs were

involved with filing, having papers served, not being able to locate people. We were getting sheriff's office notices and ended up with household products, furniture, etc., spending money to reach this point and not getting anything out of it.

With a large amount of unpaid tickets, suits were filed which become costly and not worth filing over one unpaid ticket. Therefore a large amount of unpaid tickets would eventually have to be cancelled out. He said he is looking for an increase in collecting unpaid fines, because now we will be citing all unpaid tickets. If we monitor data, at the end of the year we will know what our collection rate is and won't need to invest in a boot.

Mr. Rosemeyer moved to table the boot ordinance until 2011 – motion seconded by Mrs. Miller.

Unanimously Carried.

### **Finance Committee**

Mr. Urbain reported that our Budget is in good shape.

### **Shade Tree Commission**

Mr. Vinzani said several blocks of tree surveys have been completed. We will compile the data and look at a tree seminar in June with the Department of Conservation and National Resources and Penn State.

### **Solicitor's Report**

We have not heard from Jefferson Township. In answer to question concerning blighted houses, he said they attend the hearings when citations are filed. Mr. Jury prepares the cases. Mrs. Miller asked about the 25-mile per hour Speed Limit Ordinance for Hickory Hill; the Solicitor said he has a Speed Limit Ordinance for January's Meeting. The parking study for the 300 block of Garrett Street and Sanner Street is being forwarded to the Planning Commission. The Planning Commission will review the study conducted at their meeting and Council will act on the Planning Commission's recommendation.

Fred Rosemeyer asked a question concerning the PennDOT issue for the \$50,000 additional costs the Borough's Portion of the Utility Relocation for the Route 601 Turning Lane Project. Mr. Vinzani said the amount of the contract increased, therefore the amount of the local share increased. There is only a slim chance of a reimbursement.

### **Adjournment**

Miss Shaffer moved to adjourn – motion seconded by Mrs. Miller.

Unanimously Carried – 8:40 p.m.

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

*Called to order by pres smith*

*Present: smith, miller, shaffer, rosemeyer, urbain. Vinzani, enos, peters, svirsko, dirienzo, critchfield, cox, meyer.*

Pledge to flag

Previous meeting minutes

Moved by shaffer, seconded by miller to approve minutes of previous meeting as printed.  
U carried.

Bid opening

Vinzani: we advertised, received and opened bids for fuel, sludge removal and chemicals.

2010 for fuel to Stahl Oil Co. (with add-on price)

Unleaded gasoline	0.0550	
No. 2 fuel oil		0.100
Winter grade diesel fuel	0.0600	
Kerosene	0.100	

Moved by paul urbain to award the 2010 fuel bid to stahl oil company, seconded by ruby miller.  
U. Carried.

Dewatered sludge removal

To Waste Management \$650.00 per dumpster from wastewater treatment plant  
\$650 per dumpster from water filtration plant.

Moved by shaffer to award the bids as shown, seconded by miller.

U. Carried.

Chemicals for 2010

Aluminum sulfate	\$9.50 per 50 lb bag	
Chlorine	1 ton cylinder	\$720.00
Chlorine,	150 lb bag	\$67.50
Corrosion & scale inhibitor		per gallon \$ 7.90
Lime	50 lb gag	\$17.45
Potassium permanganate	per lb	\$ 3.35
Sodium bicarbonate	50 lb bag	\$12.725
Sodium floride	50 lb bag	\$ 41.25

Question from fred rosemeyer– why the chlorine on price of chlorine – vinzani said it was probably from market conditions – some chemicals went down but this one went up. discussed prices)

Moved by ruby miller to award the chemical bids to Univar USA, seconded by paul urbain.  
U. Carried.

Communications – none

Bills

Shaffer: asks to describe the 'tailgate release cable'

Ben: tailgate release cable, unit C

George: that is the straps that hold the tailgate. When u put it down it stays level two cables on each side of the tailgate. They rust away and break.

Question: do we move our finances around like to smst ofc supplies, then get billed to somebody else to support all the local different businesses?

Brett: there's a good mix of local businesses here, the instructions is to buy local whenever possible. But it is spread out pretty well.

Ben: for smst ofc supply, Christian book store, and smst auto parts, advance auto, fisher auto, you'll see a mixture of bills being paid to all of those. We try to spread them around.

Moved by Peggy to pay the following as printed, sec by fred Rosemeyer.

Chk nos. 14666 to 14817

Total: \$484,152.06

Vote: ruby Miller, fred Rosemeyer, paul Urbain, peggy Shaffer, Mary Ann Smith - all yes.

U. Carried.

Smith: last mtg we approved a tentative budget that does not have a tax increase but includes a 10 cent per hundred gallon increase for water and 10 cent per hundred gallon increase for sewerage.

Peggy: on the average household, what that is going to increase, wter and the sewerage?

Brett: may a buck.20 or something

Ben: the average household uses 4,000 gallons per month.

150 per day

(figuring) about 2,600 gallons

Smith: that is something people can control themselves.

Question: on this water and sewerage thing. How is the sewer rate figured, a percent of the water rate?

Dir: they are figured by separate rates per hundred gallons. The relationship between the two may be expressed as a percentage, but that is not how they are established.

Ben: your sewer bill is based on your water usage.

: that is done to help pay for the add-ons? Am I right? The new development?

Smith: the sewage would be

: then if you're doing that, why would you raise the water rate, if the work is on the sewage?

Brett: well the water rates also has an increase – we're buying our water from the county now and we're going to have a full year's worth in 2010, in 2009 we only start purchasing water from the county since April and next year we're have a full year and that wtr is more expensive than the water we produce ourselves, so the 10 cent rate increase is pretty much going to take all of that.

Smith: and we agreed to purchase 900,000 gallons to help them get the Que. Any other questions about the budget?

Moved by paul urbain to adopt the 2010 budget, seconded by ruby miller

Vote: miller, fred, paul, peggy, mary ann - all yes.

U. Carried.

#### Re-enactment of Act 511 tax rates

Ben: we reenact these taxes every year. We do it by motion, not by ordinance

earned income tax at ½%

real estate transfer tax at ½%

local services tax at 47 dollars

mercantile/bus privo tax 1/2mill (current rates)

Mr. Urbain moved to reenact the 511 tax rates at the same level, seconded by Fred

Vote: miller, fred, paul, peggy, smith all yes.

U. Carried.

#### Real Estate Tax Ordinance for 2010

Ben: the ordinance was advertised as required. This will enact the same tax rates on general purpose for the library and for the volunteer fire dept.

Moved by peggy to adopt the following ord (real estate tax ord) for 2010, sec by Paul Urbain  
Vote; ruby, fred, paul, peggy, maryann U. Carried.

Water Rate Ord for 2010

Dir: actually, it's an ordinance establishing total rates which happens to be an increase of 10C. to the rates we're adopting is 64 cents per hundred.  
Moved by ruby to adopt an ord establishing the water rate to be 64 cents per hundred gallons the following ord: sec by paul urbain:

Vote: ruby, fred, paul, maryann, peggy. U. Carried.

Sewer Rate Ord for 2010

Dir: same concept, only the 10 cent increase takes the rate to 87 cents.

Moved by ruby to adopt the following ord to make the sewer rate 87 cents per 100 gallons, reflecting a 10 cent per 100 gallon increase

Question; will this have anything to do with the new line to be put in at the top of Hickory hill? (yes) so there will be no raise next year for that?

Ben: no for that. this is to finance the debt service.

So people aren't going to be hit twice?

Ben: not for this particular project.

Moved by ruby, sec by fred to adopt the following ord to reflect the sewer rates:

Vote: ruby Miller, fred Rosemeyer, paul Urbain, peggy Shaffer, Mary Ann Smith, all yes  
U. Carried.

School Zone Study and data Sheet.

Smith: we need to authorize submitting infor to penndot to make franklin avenue a school zone.

Ben: remember that I said that once we submit this, results need to be implemented by the boro – it cld range from something small, to 13,000 which is definitely not budgeted which was in my notes so it will be clear so that if we do submit this and they come back with recommendations, the recommendations will be expected to be implemented by the boro. Whether we get assistance from the schl district is immaterial. But u did see the letter from penndot with those requirements, before we voted.

: do we hve resources to do this?

Ben: 13,000 is not budgeted because it was prepared after our budget but I did say we cld handle a couple hundred to a thousand dollars worth of signage - we can handle that. This will most likely be the case.

Mary Ann: and if it is we have to do wht penndot says we have to do.

Will the schl board pay any of this?

Ben: we can ask them to but they are not obligated to.

The only thing they are obligated to do is fill out the survey form which they did.

Ben: the only other sch zone I was aware of was 281 mostly in the boro, on maple ridge – going to maple ridge school – that has flashing signs. That was done quite a while ago, I'm not positive of who paid for that.

Ruby: when they throwed out the paperwork, nothing was said to them that there may b some costs?

Ben: no. one of the options would be that we wld make them aware that we wld ask for their participation and if they ask what sort we are asking, is it 50% is it 100%, is it something in between there, etc. council cld choose

Ruby: do u think we shld do that?

Ben: well, back to whether it's budgeted or not, it wld be a big consideration if it's the upper end. It's just a matter of who wld be the mor appropriate agency to fund

Smith: do u think it wld be a good idea to find out if the schl wld share in the cost in case before we do anything?

Ben: I don't think that would be a bad idea, to ask

Ruby: do you think 50%?

Ben: we could do whatever council would want

Cox : may I ask a question. Is there a way to reasonably speculate as to what the recommendation might be, for an area like that?

: I wouldn't be able to speculate on that, Chief

Ben: Eric would be in a better position to know the costs once penndot tells us what has to be done, but until we know what has to be done, we don't know what the costs are. If it's simply putting a couple sets of signs up, that would be the lower end. If something more elaborate like a flashing sign with power to the line. once we know the equipment involved we can get a cost estimate.

Smith: well we could either hold off, approach the school first, or we could vote on it and hope that the school would

Peggy: I understand some of the concerns, but maybe in my mind, we do have to look at a cost, it has to be done, so I would say let's approach the school.

: they're in the same boat as us. They have no idea what we're talking about.

Ruby: if we submit it to penndot, then they demand that it be done. Then it's got to be done.

Ben: if we submit, then request the school simultaneously to consider paying, then we're committed once we submit to penndot.

: then if the school says no, we need to be prepared to pay it off.

Ruby: do you think we should wait another month and ask the school first?

Ben: if we're committed to doing it, we're committed to it. if we're committed to doing it only with participation of the school, then that's different

: it wouldn't be more than 13,000?

Ben: that's not even getting power to the site, I asked penndot, that's just for the flashing sign hardware, assuming that there's power at the site. It could even exceed that depending on site conditions.

Dir: remember, this is all in a school zone. It's not going to be flashing lights all the time, twice a day, etc. just when they go to school and go home. If that's the target, that's fine but if the target is really something else, this is just an exercise . .

Cox: that's another thing too, if you observe traffic on franklin st during school hours – in the morning it's so backed up – in the afternoon at dismissal time you may have some speed issues headed northbound, but other than that, again, you're dealing with a lot of congestion which slows the average speed. But in the morning it is backed up back there.

Smith: I don't think that's going to have any affect one way or the other on the Pugh issue.

The time that zone would be authorized by the vehicle code for it to be in effective during the school hours

Going and coming

Peggy : the sidewalk issue, and that somebody was injured

Mary ann: But that was after a football game or something

Ruby: than I think we should table and ask the school if they would split the cost providing penndot approval.

Smith: and give them what we know so far as cost

Sounds reasonable.

Moved by ruby to table the school zone study to go to penndot until we approach the school, seconded by fred rosemeyer.

U. Carried.

Dir: u might want to considers asking the schl to comment on whether they think it ought to be a school zone or not, separate and apart from whether they want to share anything.

New Business

Ben: the following boards and commissions have terms expiring at January 1:

Clyde Mostoller – municipal authority for a 5 year term. He has agreed to a reappointment.

Police Service Commission – Stu Kreinbrook – 6 year term – has agreed to a reappointment

Planning comm two terms expiring:

William lehman – has agreed to a reappointment

Dana Gehman – submitted hs resignation, leaving the area

So we will have one vacancy there.

Zoning Hearing Board

Robert Anderson – term of 3 years – has agreed to a reappointment, along with Brian Maust, for a 3 year term

Vacancy Board

Delmas Hutzal – agreed to a reappointment

Uniform Construction Code Appeals Board

Vacancy – that will not be a reappointment but an appointment when we get people interested in that.

Two vacancies and others all agreed to serve

Moved by peggy to reappoint the members of the various boards and commissions as read by the manager – seconded by ruby miller.

U. Carried.

Mary Biesecker Public Library Board of Directors

Moved by Ruby (she has done well- served the library well – Marcia will do very well and was recommended by the library board

Moved by Peggy, seconded by ruby to appoint Marcia Dykstra to fill the unexpired term of Nancy Shaffer on the marry besecher public lib  
bd of dir.

U. Carried.

Smith: one of the vacancies is going to b on the code appeals board because scott walker, who is going to be a new member of council, cannot serve on both.

Moved by Peggy that we accept Scott Walker's resignation on the code appeals board, seconded by Urbain.

U. Carried.

Resolution 2009-13 police pension fund contributions

Moved by peggy to adopt the following resolution, seconded by Urbain:

X X X X X

U. Carried.

CSX ???

Dir: a few pieces of information was needed.

Vinzani: we were discussing that there might be water/sewer lines and utilities located along this area. There are sewer lines that appear to be near the area, from the maps that we have. We have a couple of options, we can refuse to make an offer or make an offer.

The suggested offer would be to offer one dollar and see what happens. The land itself, appears that it would not be developable for any useful purpose. It is located near musselman avenue off east main street near the medicine shop (ben explains the area, owned by the r r. they are offering.

Mr Park suggested it might be good, tho not for development, if it is large enough, recreational fields might be established. It is not known at this time what their plans are for the track.

Ben: it might be a good idea since our utilities appear to be there, to at least let them know that we're interested in making an offer that wld not b excessive.

: Would we be responsible for liabilities concerning water runoff

Ben: whatever is happening now won't be exacerbated just by acquiring the property, there are no structures near it that I am aware of, but there might be a liability.

Discussion:

That is mostly swamp back there

It's a wetland

All the lands on the east side of the creek.

Rub: cld we ever widen that creek bed? Ben the permitting process wld be pretty significant to do that. we were trying to do that for that past 25 yrs.

: why does the rr want to get rid of it?

Didn't j & s recycle by the lower end of it anyway?

Is this going to b for our maint. Dept to maintain?

Yes a way that we can get to the creek made more accessible.

Dir: I don't whether you're going to buy it for a buck. I think they offer it to the boro because they have to, under the existing applicable law, they have to offer it to a municipality. I'm surprised they haven't set a price.

Ruby: what happens if we make an offer, they have to come back with a counter offer?

Dir: rr's used to be – there might be a price in real estate because they had a minimum price regardless of what it was and that was your price. Apparently that is not the case here.

Ben: I don't see anything in the letter that indicates a price.

Ruby: why don't we make an offer and see

Dir: the right-of-way, if we hav a line on this land, historically the rr doesn't give rights of way, they license their use of their property and if they stop owning the property that licenses doesn't necessarily follow thru to a new owner. we kind of experienced that once before on property that was in the twp some where.

Ben: it looks like our sewer line would be in the twp.

Dir: so that is another potential complication, if somebody else buys it. I remember commenting to our representative that that law ought to b changed because there was never enough to change being that if the rr ever sells property they sell it subject to existing municipally- owned easemnts but it never got changed. So that's a possible problem.

If you have some available cash and want to make an offer I don't think it wld be a total waste of money but it's hard to say for sure.

Smith Reasonable amount 500 dollars?

: how many acres?

Ben: they have a map that's just yellow and doesn't show any total acreage that I cld see.

:It's all swamp

: what do we need to do here?

: nobody has convinced me yet that we're going to benefit from it.

Ben: we need to make an informed decision

; we don't have a lot of information

: couldn't we ask for more information?

Ben: they're looking for an offer

Ruby; can u just offer a dollar and see what happens?

Ben: they cld say no – but I agree that one dollar won't entice them.

: if we own it and it's no value to us, if something happens to somebody then we're sued.

: it's wetlands around there. If u do anything you will have the environmental p a after. I think you're just buying more headaches.

Ben: we've been trying to dredge that and establish the streamline for the last 25 yrs. The permitting process is just horrendous.

Smith: we either make a motion to purchase it or just don't do anything.

: I'm still not convinced that it has any value

Smith: it sounds as if there's not going to b a motion. We discussed it, no motion.

### Committee Reports

#### Manager's report

Ben: Tonight we have two members of council experiencing their last meeting. Peggy shaffer and mary ann smith. Peggy has been on c for the past 16 yrs and mary ann for the last 10 years. served peggy has served on almost every committee possible during the past 16 years and has been involved with most of the major infrastructure with water and sewer improvements during the past 16 years.

For Peg, we do have a plaque - Ben reads:

"To peggy Shaffer, in honor of 16 years of service to the borough of somerset serving as a member of boro council, as vice pres and pres pro tem. Presented this 21<sup>st</sup> day of December 2009 with gratitude from the staff, mayor and your fellow members of boro council."

Shaffer: it has been my honor and my privilege to serve this town. Expresses her thanks. For the support

#### Plaque for mary ann:

"Presented to mary ann smith in honor of 10 yrs of service to the Borough of Somerset Serving with distinction as a member of boro council, as vice pres and then as president, presented this 21 day of dec 2009 with gratitude by the staff, mayor and fellow mbrs of boro council."

Mary ann expressed her thanks.

Engineer's report: Eric: offered to answer any questions

Public Works Ruby:

*Public safety: Fred: we did have a public safety with the mayor, chief, Frank and I. We talked about three issues. One, a review of an alternate shift proposal. The chief and some of the staff will put together – we can't go into much detail about it now but it will be reviewed by the manager. There's some issues that have to be with other staff.*

*Cox: other than the committee's recommendation to further pursue the concept.*

*: we reviewed it and it will save some money and will put more people on the street but we do the concept design*

*The other issue we talked about was the hospital and state police that bill . . . be passed in which the state police will be paid by not the borough but the townships, some of the small townships that's going to be pretty expensive for some of the townships when the state police come to their area.*

*The other issue is on the ordinance for the boot. Do we want to pursue that any more, we have it in our file for an ordinance and just wondered, do we want to deal with it or not.*

*Peggy: cost effectiveness is what I think is the key issue there.*

*Cox: Just to update you a little with what we've done with parking, we have reverted back to the former method of pursuing unpaid tickets, and Jack and the ordinance that authorized the civil pursuit, there was no repealer clause in there so we just showed the date and went back to the old ordinance. The other part of what council was considering was acquiring a boot or 2, contracting with someone to actually install it but, and I thought about this since the meeting, I'm just speculating, I'm looking for an increased response to the new method of going after the scoff laws. Maybe what we ought to do with the boot idea is give the new system a chance, measure the results, see what we end up with, then if we are still having problems out there after a period of time, go revisit the boot issue. That would be my recommendation right now.*

*Ruby: are they paying these citations?*

*Cox: it's too early to tell yet. I expect that they will.*

*Ruby: if I have 20 traffic tickets – the magistrate and he rules. Is that what you're now enforcing?*

*Cox: before we were pursuing them civilly so if you didn't pay your parking tickets we filed a small claims suit against you. The problem with that once you put it in practice, was that there were so many costs involved with filing the suits, having the papers served, when we won the suit and the track record is good, not being able to locate people, instead of getting money, we were getting execution notices by the sheriff's office and ended up with toasters, microwaves and sofas and we really had to use for those. But we spend all the money getting to that point and not getting anything out of it.*

*The other problem was, if u had a large amount of unpaid tickets, you rose to the point where suit was filed against you, but again, it costs a certain amount of money to file suit and it wasn't worth filing suit over one unpaid ticket. So there were people who paid without having to be pursued, there were people who had a lot of tickets that we sued but then this is this big group in the middle who had more than a few but not enough to rise on the radar but they never heard from the boro again, they just had a whole bunch of unpaid tickets, eventually those have to be cancelled out.*

*So where I'm looking for an increase in actually collecting on those unpaid fines, is because now everyone who gets a parking ticket, if they don't pay it, we're going to cite them. So there will be no great group of people slipping thru a giant crack anymore. But if we give ourselves enough time to monitor data and come back at the end of the year and say now we know that our collection rate is good enough that we don't need to invest in a boot.*

*Motion by fred, sec by ruby to table the ordinance for the boot until 1011.*

*U. Carried.*

*Finance Committee: Urbain out budget has been pretty good. Revenue, we collected 99.2 percent so were in good shape there, and out total expenditures at this point is something less than 90 percent so we're in good shape.*

*Shade Tree Comm*

*Ben we completed our survey time, a couple blocks of tree survey that we did. We are going to spend the winter months compiling the data; in the spring we're looking at a tree seminar to be held in June of next year to people to learn how to properly care for trees. We're gearing up with the department of conservation and natnl resources and penn state and we'll have a good seminar good training for our residents next year.*

*Dir: the silence from jefferson twp – deafening . don't hear anything anymore so don't know what's happening there.*

*Thank you each of the retiring parties here, for your dedication to public service.*

*: blighted houses?*

*Cir: when citations are filed, we go to hearings, we - win and Tom does a good job of putting the cases together and I see it thru. I don't know that there's a ton of stuff out there beyond what he's doing*

*Ruby: how soon, by january council mtg, cld we have the 25 mile zone ordinance for Hickory Hill? Is it ready? What about*

*Dir: the stop sign ordinance – I have the convention ordinances and a speed limit ordinance. We're doing it in January.*

*Ruby; did seanna davis do anything for planning?*

*Ben: that's being forwarded to the Planning Commission. If council does not act on that until the planning comm is conducted, they'll conduct a mtg, make a recommendation and council will act on it's recommendation*

*Urbain: the penndot issue of raising our percentage to 50,000 down there at the turnpike. Where are we with that?*

*Ben: the percentage remains the same, the amount of the contracts increased, that was the problem. So as the cost of the contract increased, so did the amount of the local share. So there's not difference; we met with them. There is that slim chance that there will be a reimbursement but I would not count on it.*

*Smith: it did say it was going to be on the actual cost and the actual cost came in higher.*

*Mayor: you've heard about the public safety comm mtg. I wld like to take a moment to thank those leaving)*

*Adjournment*

*Moved by peggy, seconded by ruby to adjourn.*

*U. Carried.*

*8:40 p.m.*