

Somerset Borough Council Meeting
February 22, 2010 - 7:30 p.m.

The Borough of Somerset Council Meeting was called to order by Ruby Miller, President.

Present: Ruby Miller, Frank Koval, Hank Parke, Wanda Miller, Scott Walker, 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; 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 January 25, 2010 were approved on a motion by Mr. Koval, seconded by Scott Walker.

Unanimously Carried.

General Public

(a) Jerry Lyons, Somerset Fire Department, informed Council that they now have their new truck, and are preparing for training. There is a request for Council to provide more flags to mark the fire hydrants.

(b) Residents from Garrett Street/Kimberly Avenue say they are very concerned about flooding in their neighborhood. Appliances have been ruined and they are worried about decreasing home values. Mr. Vinzani said they plan to check the areas with flapper valves and will perform smoke and dye testing on individual homes. He asked residents to keep Council informed so we can define whether it is a surface or a sanitary water problem. It was suggested by the residents that water runoff from the hospital parking lot might be a contributing factor.

(b) Payment of Bills

Mrs. W. Miller moved to pay the following bills as printed - motion seconded by Mr. Parke:

Check Nos. 14987 to 15142 Total Amount: \$305,261.76

Vote: Mrs. W. Miller, yes; Mr. Parke, yes; Mr. Koval, yes; Mr. Walker, yes; Mrs. R. Miller, yes.

Unanimously Carried.

Old Business

(a) Parking Survey

Mr. Vinzani said a survey was authorized at last meeting to be sent to residents of the 500-600 blocks of South Ankeny Avenue to address parking and snow removal concerns. From 20 surveys returned, 19 were in favor of changing the current parking

pattern. Any deviation from the original ordinance would have to be established by ordinance.

Mr. Koval moved to change the ordinance to reflect parking on the west side all year, in accordance with the residents' survey response - motion seconded by Mr. Parke.

Unanimously Carried.

At this time Chief Cox asked for direction on Council's wishes until the ordinance is repealed. He had suspended the officers' enforcement of parking in this area, and asked if there is something more appropriate to do than suspend enforcement. Solicitor Dirienzo said there is a "doctrine of pending legislation" which is useful in allowing or excusing non-enforcement but it would not allow enforcement of an ordinance not yet in effect.

New Business

(a) PennDOT Traffic Study

Mr. Vinzani said this request was for PennDOT to perform a study to see whether a traffic light is warranted at Edgewood Avenue and Cannel Drive. PennDOT did not see any visible signs of obstruction at this intersection. They routinely conduct these studies with their own forces, but if we ask them to do it we have to implement it with local funds.

Mr. Cox pointed out that approximately half of this intersection is not in the Borough. Mrs. W. Miller mentioned a fence located by Luther Miller which had caused sight obstruction but it has been removed. Mr. Cox said he will obtain a listing from PennDOT but he does not see it as a problem area.

Mr. Parke moved to table this request until next meeting at which time Chief Cox will have information to make a decision - motion seconded by Mrs. W. Miller.

Unanimously Carried.

(b) Residential Parking Survey for West Garrett Street

Mr. Vinzani said the Planning Commission reviewed the request for West Garrett Street and moved to recommend that Council approve residential parking at the 300 block of West Garrett Street from 7 a.m. to 3 p.m. Monday through Friday, with a one dollar fee per household per year, plus visitors' passes at no cost. He explained that their motion is inconsistent with the current ordinance, which provides a ten-dollar fee per vehicle and a one dollar visitor's pass fee.

Various suggestions were offered - keeping the fee the same, lowering the amount other residents are paying, or having a 5-dollar fee per vehicle. Mr. Dirienzo said the Planning Commission has no authority to alter the fee; this can be done only by Council amending the existing ordinance. Mr. Cox said they have reduced the cost of producing permit parking placards - the previous 10-dollar charge covered the cost of production but now is greatly reduced.

Mrs. R. Miller pointed out that the hospital has ample parking and residents do not have the problem on Church Street and Kimberly Avenue as before.

Mr. Park moved to change the ordinance to five dollars per vehicle and one dollar for a visitor pass; it was seconded by Mrs. W. Miller.

Motion Carried 4-1 (Mr. Koval opposed)

Mr. Parke moved to disregard the Planning Commission's recommendation concerning the amount to be charged on West Garrett Street - motion seconded by Mr. Walker.

Unanimously Carried.

They confirmed that West Garrett Street will have five dollars per vehicle, and one dollar per visitor pass for visitors during daytime hours from 7:00 a.m. to 3:00 p.m., and an ordinance will need to be passed. We have 30 days, and there could be an appeal. This will be available for the March meeting.

(c) Fitzgerald Re-zoning Request

Mr. Vinzani said Terry Fitzgerald is requesting to have a parcel of property rezoned from R-2, Residential, to M-1, Industrial. He explained that when Council receives such a request it seeks the recommendation of its Planning Commission which then conducts a public meeting for input, forwards their recommendation back to Council to consider the request and holds a Public Hearing. At this point we would officially forward this to our Planning Commission.

They discussed permitted uses in the M-1 zone. Mr. Vinzani explained that they could put in only what is allowed by the new district. It could be a continuation of a non-conforming use if there is a non-conforming use occurring. Mrs. R. Miller said the request is for the vacant lot behind the old Bender Shoe Company

Mr. Parke moved to refer this to our Planning Commission - motion seconded by Mr. Koval.

Unanimously Carried.

(d) PSAB Conference Voting Delegate/Alternate Voting Delegate

Mrs. R. Miller congratulated Mrs. W. Miller on her election as PSAB County Representative. She said we need to designate a voting delegate and alternate. Mr. Vinzani said this must be returned to PSAB by April 12, therefore we would have one more meeting.

Mr. Koval moved to designate Mrs. W. Miller as Voting Delegate to the PSAB Conference. There was no second; therefore this will be tabled until the March meeting.

(f) OnDemand Energy Solution

The Manager said he attended a seminar on this and believes it has some merit. The first step would allow us to give permission to this company to look at our demand and see if it could benefit the Borough. There is no obligation at this stage. The Solicitor said this is the result of energy regulation of several years ago. The electric bills are broken into three components – generation, transmission and distribution. We can shop around for the generation component and buy energy from another company but it becomes complicated. This could offset the upcoming price increase.

Mr. Parke moved to give OnDemand Energy Solutions permission to examine our electricity usage – motion seconded by Mrs. W. Miller.

Unanimously Carried.

Manager's Report

Mr. Vinzani said he will keep Council apprised of the OnDemand Energy Solutions Program, designed to offset the expected electricity increase effective January of next year.

- He and Mr. Cox were guests at Rotary Radio Days.
- The Civil Service Commission held its organizational meeting in February.
- A meeting was held with several residents of the Hickory Hill area in conjunction with our sewer project to review rights-of-way issues.
- He met with Denny Platt concerning energy programs that might become available to governments as a result of deregulation.
- He attended a Webinar at the EMA Office concerning the procedures of declaring a federal disaster for counties experiencing abnormal snow removal costs. Each county should report their individual costs to the EMA and the County EMA reports to the Governor's Office and they decide if the governor should seek a Federal declaration and make funds available.

Mrs. R. Miller noted that the Somerset County Boroughs Association meeting will be held in Hooversville in March. Our Public Works employees will be acknowledged for their difficult task in removing snow over the past week.

Public Works Committee

Mr. Parke reported that the equipment is running relatively well, with few breakdowns during the many hours of extra work. The rented grader and dump truck will be returned within the next couple of days.

Finance Committee

Mr. Peters, Finance Director, reported that financial statements look good for the months of January and February, though bills for the extra cleanup will begin showing up in March.

He mentioned that the Auditor had asked about authorized signatures on our bank accounts. There is a question of whether the Finance Director should be on the signature list. He said he would like to ask Council if it is appropriate for the Director

of Finance to be on the signature list. They reviewed those required to sign – six signatures on the authorization card. He pointed out that there can be instances when a penalty may apply or a discount is available if paid earlier that occur each month that require two administrative signatures, but only to avoid a penalty or to obtain a discount.

Mr. Parke moved, Mrs. W. Miller seconded to permit the second administration signature in absence of the availability of a council person, as long as the second signature is not the Director of Finance, in order to avoid a penalty or obtain a discount.

Unanimously Carried.

Shade Tree Committee

Mr. Parke reported that they will be applying for a County Hotel Tax grant to add more trees this spring. They will check for damages during the winter storm. They have started the tree survey which is working out very well.

Somerset Inc.

Mr. Parke said Somerset Inc. has had to lay off Mrs. Williams because of less income at this time, along with many other non-profit organizations. It has not been determined yet when she will return.

Solicitor's Report

Concerning the existing stop sign ordinance, Mr. Dirienzo said we are still operating on an interim basis at the Kimberly and Union Street area, and asked if Council wishes to confirm these signs. Mr. Cox reported that there has not been an accident at this intersection since the signs were installed.

Mr. Walker moved to add the 4-way stop signs at the Union and Kimberly intersection to the ordinance – motion seconded by Mr. Parke.

Unanimously Carried.

Mrs. W. Miller asked about abandoned properties in connection with the ACD-135 Law. The Solicitor replied that he will see what information can be found.

Mayor's Report

Mr. Meyer said they were given permission to begin looking for a new part-time officer. They are considering a local candidate, a graduate from the police academy who will be taking his certification test this week pending outcome of our background search. He comes highly recommended by the Fire Department.

We will be having our on-site inspection for the accreditation in March and will hopefully become an Accredited Department.

Adjournment

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

Unanimously Carried, 8:30 p.m.

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