

Somerset Borough Council Meeting
March 22, 2010 – 7:30 p.m.

Meeting was called to order by Ruby Miller, President.

Present:

Paul Urbain, Ruby Miller, Frank Koval, Hank Parke, Fred Rosemeyer, Wanda Miller, Scott Walker, Council Members. Ben Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; Brett Peters, Director of Finance; Randy Cox, Chief of Police; William Meyer, Mayor; John J. Dirienzo, Esq., Borough Solicitor; George Svirsko, Director of Public Works; Eric Critchfield, Consulting Engineer. (Sign-in sheet is available on file.)

Meeting opened with recitation of the Pledge to the Flag.

Previous Meeting

Minutes of the previous meeting were approved on motion of Mr. Parke, seconded by Mr. Walker, with the notation that the Chief of Police and Mayor were present.

Unanimously Carried.

General Public Comments

Mr. Jim Atchison inquired about the possibility of establishing of a dog park. This was very successful in Shippensburg. They worked with the insurance company and cut down on liability issues.

Mrs. R. Miller asked about legal obligations. The Solicitor said if we do a lease, insurance issues would become a sensitive issue. Our tenants have public liability in places naming us as co-insured and the expense makes it prohibitive in most cases.

They discussed status of the property (which we own by deed, acquired from the School District), and receiving donation commitments. Mr. Dirienzo said if the Borough's only responsibility would be as a landlord to a tenant, Council could indicate by motion or consensus that they believe it to be worthwhile to investigate as a suitable use for this property, assuming an appropriate lease could be arranged.

Mr. Rosemeyer moved to have the Borough approve the concept and give him the authority to move forward, based on obtaining the grant money, and that the insurance issue through lease is addressed. Motion was seconded by Mrs. W. Miller.

Unanimously Carried.

In further discussion it was suggested acquiring names and commitment. "Nonprofitboards.com" can offer assistance. This could be considered as an Eagles Scout Project, and Mr. Vinzani will contact the School Board.

Anonymous Zoning Complaint

This item could not be addressed since there was no representation at this time.

Administrative Business

Communications – (none)

Payment of Bills

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

<u>Check Numbers</u>	<u>Total Amount</u>
15143 to 15303	\$443,398.90

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

Unanimously Carried.

Old Business

Finance Committee Report

Mr. Urbain reported on the Committee's viewpoint on the current meal allowance policy for Borough officials and employees attending conferences, etc. After looking at other statistics, the Finance Committee agrees that the \$30.00 amount is acceptable.

Mr. Urbain moved to not change the \$30.00 Meal Policy - motion seconded by Mr. Parke.

Unanimously Carried.

PSAB Conference - Designation of Voting Delegate

Mrs. W. Miller explained her position with the PSAB Board. They discussed number of votes allowed, and who will be attending the conference.

Mr. Parke moved to appoint Fred Rosemeyer as the Voting Delegate, Mr. Urbain seconded the motion.

Unanimously Carried.

PSAB Conference – Designation of Alternate Voting Delegate

Mr. Parke moved to appoint Wanda Miller as the Alternate Voting Delegate, Mr. Walker seconded the motion.

Unanimously Carried.

Mrs. W. Miller added that they will be selecting a second Vice President, plus voting on policies and resolutions.

PennDOT Traffic Study

Mr. Vinzani said Council asked Chief Cox to research the number of accidents at the intersection of Edgewood Avenue and Cannel Drive.

Mr. Cox said this intersection is not all in the Borough. He gathered violation and crash data pertaining to this intersection, and the violation data applies basically to the area from Garrett Street to Vine Street. Five of the nine accidents were caused by the 16-year, then 65-year-plus-drivers. He reported nine drivers were cited, seven as aggressive driving. Based upon these numbers, he does not think this would warrant the Borough doing a traffic study. In talking with PennDOT, he feels that they would recommend no changes to this intersection. Sight distance might be a contributing factor, though the problem is in Somerset Township. Obstructing fencing was removed at the Luther Miller area.

Mr. Koval moved that we do not request a traffic study for this area – motion seconded by Mr. Walker.

Unanimously Carried.

New Business

Somerset Fire Department

A discussion ensued concerning the need for a new door at the Public Safety Building. The door is in poor condition.

Mr. Rosemeyer moved to replace the door. At this time further discussion ensued regarding prices, labor costs, etc. Mr. Lyons said a door is available that has a window, but there is concern about possible glass breakage. A suggestion was offered to place a metal plate over the top, which brought up the question of labor costs.

In answer to Mrs. W. Miller's question of whether our employees could do the installation and repair, Mr. Svirsko said they are not sure how it would be securely anchored to the existing work.

Mr. Cox said he understands the door was planned as an entrance to the Community Room. A change order replaces it with a wider door, but this door had already been purchased and is stored in the basement.

Mr. Rosemeyer's motion to replace the door was then seconded by Mrs. W. Miller.

Unanimously Carried

PUC Area Code Changes – Rep. Metzgar

Mr. Vinzani explained the two options to consider; one is that they divide the area into two with one section getting a new area code, the other is called the "overlay" where everyone keeps their existing numbers but new numbers get a new area code, the favored option.

Mr. Rosemeyer moved to submit a letter to Representative Metzgar and the PUC expressing our preference for the Overlay Option – motion seconded by Mr Parke.

Unanimously Carried.

Municipal Authority Report – Water Line to Jefferson Township

Mr. Vinzani said the Municipal Authority took action at its last meeting to recommend that a letter be sent to funding agencies concerning the County's application to fund the water line to service Jefferson Township. They spoke about the fact that they want to build a line at a cost of almost six million dollars from taxpayers, when we already have water availability. If this is passed as a capital improvement we may have to foot a sizeable percent of the bill. Mr. Vinzani pointed out that this would become a joint motion between Council and our Municipal Authority.

Mrs. W. Miller moved to the send the letter to Legislators and funding agencies regarding the County's application to fund a water line to service Jefferson Township – motion seconded by Mr. Rosemeyer.

Vote: Mrs. W. Miller, yes; Mr. Parke, no; Mr. Koval, yes; Mrs. R. Miller, yes; Mr. Urbain, yes; Mr. Rosemeyer, yes; Mr. Walker, no.

Carried, 5-2 (Messrs. Walker and
Parke voting "no")

Those voting "no" explained they are concerned that it may affect the relationship between the County and Borough. The Solicitor pointed out that the Municipal Authority has not had an official meeting to authorize this as a joint letter. The President said the letter will not be sent until the Municipal Authority meets on the third Monday of April.

Snow Emergency Policy Ordinance, Public Works

Copies of proposed ordinances were sent to Council regarding a snow emergency ordinance as a way to address parking and access for emergency vehicles during heavy snows. Input is requested from the Mayor, Chief and Fire Department.

They discussed safety issues encountered during the heavy snows. Fire hydrants were completely covered. They need to raise money for more poles to place on the hydrants. Mr. Lyons said the plan was to buy 100 per year but their accounts were drained with purchase of the new truck. There was discussion about grant possibilities and whether this could be a Homeland Security issue.

Census Support Resolution

A sample resolution was received from the Commissioners encouraging municipal involvement in supporting goals for the 2010 census.

Mr. Parke moved, Mr. Rosemeyer seconded to adopt the following Resolution

RESOLUTION NO. 2010-04

WHEREAS, an accurate census count is vital to our community and residents' well-being by helping planners determine where to locate schools, day care centers, roads and public transportation, hospitals and other facilities, and achieving an accurate and complete count of the nation's growing and changing population;

WHEREAS, more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS, the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS, the information collected by the census is confidential and protected by law;

NOW THEREFORE, WE PROCLAIM, that the Borough of Somerset is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census Partner, we will:

- 1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.*
- 2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure a full and accurate census.*
- 3. Support census takers as they help our community complete an accurate count.*

4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in Complete County Committees and/or utilizing high-profile, trusted voices to advocate on behalf of the 2010 Census.

Unanimously Carried.

West Garrett Street Residential Parking

At the last meeting, Council authorized changing fees for resident parking and creating an additional area of resident parking by resolution.

Mr. Walker moved to accept the resident parking area to be the 300 block of West Garrett Street with the fees to be \$5.00 per permit and \$1.00 per visitor pass. Motion seconded by Mr. Parke:

RESOLUTION NO. 2010-05

WHEREAS, the Borough Council of the Borough of Somerset has enacted a Residential Permit Parking Ordinance, (Ordinance No. 1232 – Somerset Borough Code S.S. 139), and;

WHEREAS, by way of identifying areas of Somerset Borough where, because of the nature of the utilization of the available parking spaces in the area, a residential permit program was indicated as being advisable and in the best interests of the Borough, and;

WHEREAS, because the area of Somerset Borough designated below has been identified and confirmed as an area where the residential permit parking program ought to be implemented, and is an area which has already been determined to meet the criteria as set forth in the Ordinance;

NOW THEREFORE, BE IT RESOLVED, that the following area in the Borough of Somerset is hereby designated to be Residential Permit Parking Program Area, as defined in said Ordinance, to be in effect 24 hours each day, each and every day of the year.

Unanimously Carried.

Stop Sign Intersections

Mr. Vinzani said the following confirms our action on West Union and Parson, West Fairview and Parson, and North Kimberly making this a permanent stop sign intersection.

Mr. Parke moved, Mr. Urbain seconded adopting the following Ordinance:

ORDINANCE NO. 1339

AN ORDINANCE OF SOMERSET BOROUGH ESTABLISHING STOP INTERSECTIONS FOR MOTOR VEHICLES AT CERTAIN INTERSECTIONS WITHIN SOMERSET BOROUGH

Unanimously Carried.

Ordinance Changing Fees for Residential Parking

Mr. Vinzani said Mr. Walker's motion concerning Resolution No. 2010-05, creating the 300 block of West Garrett Street as a residential parking area, includes the authorization of Ordinance No. 1340, (*Amendment to the Ordinance No. 1232 Regulating Residential Parking Permits*) changing fees for residential parking. Mr. Walker said he stands corrected, and Resolution No. 2010-05 and Ordinance No. 1340 (AMENDMENT TO THE ORDINANCE NO. 1232 REGULATING RESIDENTIAL PARKING PERMITS) will be combined, as moved by Mr. Walker, seconded by Mr. Parke and Unanimously Carried.

Ordinance No. 1341 – Rank of Sergeant in Police Department

The Manager said this establishes the rank of Sergeant in the Police Department. The Solicitor said it starts out as a formal request from the Mayor and if Council agrees, Civil Service is set up and authorized. Mr. Cox said the contract currently refers to "OIC's or Sergeants". Mr. Dirienzo explained that it can clarify the role of the Officer in Charge in the Police Department. Earlier the OIC mechanism was to handle decision-making authority in the event the Chief was not available and officers on duty needed to have a decision. Something must be set administratively about who is in charge.

Mr. Cox said he created the designation of lead officer which could change, and the officers were agreeable to this but they questioned the pay when functioning as a lead officer. We won't use the term Officer in Charge anymore. He said they have less supervisory positions than any other entity in the Borough; they are not designated with the title or respect that a supervisor should have. The titles are not recognized outside the department and other agencies by virtue of the fact that it is appointed, as opposed to a promoted merit position.

There is a concern regarding the issue of sergeant remaining in the bargaining unit. This would be a matter of discussion between Council and those affected. This evening's action is stating that we're establishing the sergeants rank and at some future point may choose to fill this office via a promotion under Civil Service guidelines, from full-time officers within the Department

Mr. Urbain moved to adopt the following Ordinance – motion seconded by Mr. Rosemeyer:

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ORDINANCE NO. 1341

AMENDMENT TO THE ORDINANCE CREATING THE SOMERSET BOROUGH POLICE
DEPARTMENT

Unanimously Carried.

Parking – South Ankeny Avenue

Mrs. W. Miller moved to adopt the following Ordinance, seconded by Mr. Koval:

ORDINANCE NO. 1342

AN ORDINANCE REPEALING ORDINANCE NO. 1279 AND ADOPTING REVISED PROVISIONS
REGULATING VEHICLE PARKING ON CERTAIN PORTIONS OF SOUTH ANKENY AVENUE

Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani informed Council of the following:

- He attended two webinars regarding PEMA snow removal reimbursement plans. We are waiting for the Governor's declaration request, to become eligible for reimbursement.
- Attended the Somerset County Solid Waste Advisory Committee meeting; Somerset Borough is the only mandated municipality under current law to recycle.
- Attended the County's Drought Task Force meeting.

President's Report

Mrs. R. Miller informed Council that the Borough Manager received the Distinguished Service Award from PSAB. The award will be presented at the Annual Conference Awards luncheon on April 27th at the William Penn Hotel, Pittsburgh, PA. Mr. Vinzani was commended, and Mr. Koval was also congratulated on his award from PSAB, presented at the Borough's Association meeting.

Engineer's Report

In answer to question regarding Hickory Hill, Mr. Critchfield explained that the contractor is preparing shop drawings and schedule submittals. All is on target for April 1, 2010. The permit is an administrative permit extension.

Public Works

Mr. Parke reported on the following:

Public Works crews are patching potholes and removing anti-skid from streets/catch basins with assistance from the Department of Corrections. They are encouraging residents to sweep anti-skid off their sidewalks into the edge of the street. They are working on smoke and dye testing sanitary sewer lines. They asked to price a sewer camera to be used in the laterals, either a demo unit or refurbished one. Existing ones are for main lines only.

Mr. Parke moved, Mr. Koval seconded to check pricing on a sewer lateral camera, either a demo unit or used refurbished one.

Unanimously Carried.

Public Safety Committee

Mr. Rosemeyer mentioned three items; identification poles for the hydrants, the back door to the fire company and the new truck. Mr. Lyons described the new truck and invited all to tour. Fund raising is going well. The other truck will be retained in case of an evacuation situation.

They spoke with the Finance Committee concerning parking tickets but this will be tabled at this time. It will be necessary to consider raising money to help supplement the \$20,000 overtime incurred during winter snows. Mr. Cox said they went back to the traditional way of pursuing unpaid tickets by filing a citation at the District Justice Office. On a positive note, more are now paying before they receive citations and we reduced costs of pursuing the ticket laws. He states we may see a great reduction in operating costs.

Concerning accreditation for the Police Department, this resulted from meeting many standards, evaluations and audits with the on-site assessment team. The PA Law Enforcement Accreditation Commission will meet at the Conference and we will be accredited next Wednesday. The Executive Coordinator with the PA Law Enforcement Accreditation Commission will make the presentation at the conference, then at the Police conference. He mentioned that everyone contributed to this and should be a part of it. Mr. Vinzani was asked to authorize a Proclamation for the Police Department

Mr. Parke moved, Mr. Rosemeyer seconded to have the Municipal Authority meet an hour earlier so Council can meet on the third Monday of April.

Unanimously Carried.

Finance Committee

Mr. Urbain reported on their meeting. The budget is on target, omitting the snowstorm costs. Mr. Vinzani said details will be provided for eventual

reimbursement, and they expect to know by next council meeting. Evaluating the real estate tax millage will need to be addressed at some point.

Shade Tree Committee

Mr. Parke reported on the tree planting, authorized by the hotel tax grant. An application is being prepared for another grant, along with an application to a private foundation. They discussed the importance of proper tree care, and will be doing more inventory this spring.

Somerset, Inc. Representative

Mr. Parke reported that there has been no change and they're not sure if their fund raiser in June will happen.

Mayor's Report

Mr. Meyer presented the name of Jordan Shaulis to the part-time police roster; he passed his background and physical checks, etc. and will begin field training.

Mrs. W. Miller moved, Mr. Koval seconded to add Jordan Shaulis to the part-time Police Roster.

Unanimously Carried.

Mr. Rosemeyer provided an updated rabies clinic list. There was a request to have Council sponsor a hole for the Laurel Arts Golf Tournament on June 25th. Cost money would be split, going to the Dressler Scholarship Fund for kids in the community.

Adjournment

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

Unanimously Carried - 9:02 p.m.

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