

Somerset Borough Public Hearing

May 24, 2010 – 7:00 p.m.

A Public Hearing was called to order by President Pro-Tem, Hank Parke.

Present: Paul Urbain, Frank Koval, Hank Parke, Wanda Miller, Scott Walker, Council Members; William Meyer, Mayor; Benedict G. Vinzani, Jr., Borough Manager; George Svirska, Public Works Director; and Michele Enos, Assistant to the Borough Manager. Meeting opened with recitation of the Pledge to the Flag.

Zoning Request

A request was received from Terry Fitzgerald to change the zoning of his property from R-2 to M-1. The Planning Commission recommended a Public Hearing on the matter. The following announcement appeared in the Daily American newspaper on May 3 and May 10, 2010:

"Pursuant to the request of Terry Fitzgerald to change the zoning of his property located at 742 South Edgewood Avenue, Somerset, PA, from its current designation of R-2 to M-1, Council of the Borough of Somerset will hold a Public Hearing at 7:00 p.m. on May 24, 2010 in the Council Chamber of the Somerset Borough Municipal Building located at 347 West Union Street, Somerset, PA. At this time public comments will be taken. Additionally, written comments on this request may be submitted to Council of the Borough directed to Benedict G. Vinzani, Jr., Borough Manager, at 347 West Union Street, P.O. Box 71, Somerset, PA. Such written comments shall be received no later than 7:00 p.m. May 24, 2010."

No written comments were received, and the Manager asked for comments from the public. A resident stated he is concerned about what will be placed in the adjoining area regarding noise, odor, and snowmobiling. Mr. Vinzani pointed out that this Hearing is to merely consider re-zoning this property; if the property owner applies for an eligible activity, a permit would be either issued or denied at that time.

A question was raised concerning permissible use in the M-1 designation. Mr. Vinzani said this information is available on line, and in our zoning ordinance. The Planning Commission met April 5, 2010 to consider this request and submitted all required documentation. All property owners within 100 feet of the property received notice of this Hearing, at which time Council will act on this request.

With no other public comments offered, Mr. Parke thanked all and the meeting was adjourned, at 7:10 p.m.

Somerset Borough Council Meeting

May 24, 2010 – 7:30 p.m.

The meeting was called to order by President Pro-Tem, Hank Parke.

Present: Paul Urbain, Frank Koval, Hank Parke, Wanda Miller, Scott Walker, Council Members. William Meyer, Mayor; Benedict G. Vinzani, Jr., Borough Manager; George Svirsko, Public Works Director; Brett Peters, Director of Finance; Michele Enos, Assistant to the Borough Manager; and Eric Critchfield, Borough Engineer. (Sign-in sheet is available on file.) Meeting opened with recitation of the Pledge to the Flag.

Mr. Parke stated that an Executive Session of Borough Council was held on Monday, May 10, 2010 at 6:00 p.m., for the purpose of discussing negotiations.

Mr. Koval moved to approve minutes of the April 19, 2010 meeting – motion seconded by Mr. Walker.

Unanimously Carried.

Bid Opening

Surplus Equipment

Mr. Vinzani said surplus equipment that will not pass inspection and is routinely sold as is, with no warranties expressed or applied.

Mrs. W. Miller moved to sell the 1994 GMC pickup truck to E.M. Hollada, in the amount of \$427.00 – motion seconded by Mr. Koval.

Unanimously Carried.

Stone & Asphalt

Mr. Vinzani recommended award of the bids as follows, except bid for No. 1 AASHTO Stone, FOB. Svonavec and Becker Limestone came in at 9 dollars per ton, and we recommend that it go to Svonavec's because of the shorter distance for pickup:

<u>Quantity</u>	<u>Description</u>	<u>Del/F.O.B.</u>	<u>Bid Award</u>	<u>Bid Price</u>
100 tons	2A stone	Delivered	Svonavec, Inc.	\$ 8.80
10 tons	2A stone	F.O.B.	New Enterprise	6.50
1,000 tons	2A modified	Delivered	Svonavec, Inc.	8.80
10 tons	2A modified	F.O.B.	New Enterprise	6.50
50 tons	2 RC	Delivered	Svonavec, Inc.	8.80
10 tons	2 RC	F.O.B.	New Enterprise	6.00

600 tons	#57 AASHTO (2B)	Delivered	Svonavec, Inc.	10.80
100 tons	#57 AASHTO (2B)	F.O.B.	Svonavec, Inc.	9.00
100 tons	#10 AASHTO (dust)	Delivered	Svonavec, Inc.	8.75
30 tons	#10 AASHTO (dust)	F.O.B.	Svonavec, Inc.	6.50
75 tons	#1 AASHTO (#4)	Delivered	Svonavec, Inc.	10.80
10 tons	#1 AASHTO (#4)	F.O.B.	Svonavec, Inc.	9.00
700 tons	#8 AASHTO (#1b)	Delivered	Garrett Limestone	14.45
25 tons	#8 AASHTO (#1b)	F.O.B.	Garrett Limestone	11.95
100 tons	9.5 MMR (blacktop)	F.O.B.	New Enterprise	60.60
50 tons	25 MMR (blacktop)	F.O.B.	New Enterprise	49.50
30 tons	Stockpile patching	F.O.B.	New Enterprise	85.50
20 tons	AASHTO (Type II anti-skid)	Delivered	Garrett Limestone	14.45
700 tons	AASHTO (Type II anti-skid)	F.O.B.	Garrett Limestone	11.95

Mrs. W. Miller moved to accept the bids as printed – motion seconded by Mr. Urbain.

Unanimously Carried.

General Public Comments

Dana Reffner reported that her vehicle, driven by her son, was hit by a Berkey Excavating vehicle driven by a Borough employee. Her insurance company paid for her vehicle then contacted the Borough insurance company, who then paid her. The Borough's insurance company explained that she was denied payment. She is asking for reimbursement in the amount of \$207.00.

She was offered an apology and assured that we will promptly review this incident and contact her.

Payment of Bills

Mr. Urbain reported that we spent approximately 32 percent of our Budget at 33 percent of the year, therefore are in good standing.

Mr. Koval moved to approve payment of the following bills as printed – motion seconded by Mr. Urbain: Check Nos. 15417 to 15645 – Total: \$505,150.42

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

Unanimously Carried.

Old Business

Snow Emergency Policy

Mr. Parke suggested having the Manager include this policy in his monthly column. People in the community may have some ideas to offer as part of the solution.

Structure Demolition Request

A request was received from Wayne Beeghley for use of CDBG funding to demolish a structure located at 132 Cannel Drive. Discussion centered the following: Use of CDBG funds; adopting a policy for these situations; treating each request fairly; demolition cost range and keeping the neighborhood clean. Mr. Vinzani said we can use a certain percentage of our CDBG funds for code enforcement.

Mr. Walker offered a motion to use CDBG monies to demolish the structure at 132 Cannel Drive subject to placing a lien against the property, and notifying Mr. Beeghley and Attorney Dirienzo – motion seconded by Mr. Urbain.

Unanimously Carried.

Pension Ordinance Amendments

Mr. Vinzani said this ordinance is in its finished form (an ordinance and a resolution) establishing positions covered by the ordinance that is not inconsistent with our current ordinance.

Mr. Koval moved to adopt the non-collective bargaining employees pension ordinance amendments – motion seconded by Mr. Urbain.

Unanimously Carried.

Mr. Koval moved to adopt the following Resolution identifying positions covered in the non-collective bargaining pension plan - seconded by Mrs. W. Miller:

RESOLUTION NO. 2010-08

WHEREAS, the Borough Council of the Borough of Somerset has enacted a General Borough Employees Pension Plan (Somerset Borough Code Chapter 45) and;

WHEREAS, 45-10.1 provides for pension benefits for certain full-time employees who were in managerial/confidential employment positions at the time of retirement, and;

WHEREAS, 45-10.1A provides that those full-time managerial/confidential employment positions covered by that portion of the pension plan shall be identified by Resolution of Borough Council, and;

WHEREAS, Borough Council presently desires to identify such positions;

NOW THEREFORE, BE IT RESOLVED, that the following full-time employment positions with the Borough of Somerset shall be positions covered by the pension provisions set forth in 45-10.1 as follows:

Borough Manager
Borough Secretary
Director of Finance
Director of Public Works
Chief Water Plant Operator
Chief Sewer Plant Operator
Assistant to the Borough Manager
Street Foreman
Water Distribution Foreman
Confidential Secretary

Unanimously Carried.

New Business

Terry Fitzgerald Zoning Request

Mr. Urbain moved to approve the zoning map change request of Terry Fitzgerald to change a parcel from R-2 zoning to M-1, and authorizing the ordinance to be developed and adopted. Motion was seconded by Mr. Koval.

Unanimously Carried.

PA H-20 Grant

Mr. Vinzani explained that this Resolution is for the equalization basin that Council authorized at last meeting. Mr. Critchfield said they have the Agreement for preparation of the drawings, the application is due July 1 and they need to have Council consider the resolution and letters that would obligate the Borough (if the H-20 funds are received) to fund a portion of the project. The grant will fund 60 to 70 percent of the project. There are three potential sites, and it is questionable whether adjoining property owners would be agreeable

Mr. Meyer said they discussed the pond area that St. Peter's Parish wants to get rid of, for liability reasons. It cannot be drained because another wetland would have to be found elsewhere.

Mr. Koval moved to adopt the following Resolution – motion seconded by Mr. Walker:

RESOLUTION NO. 2010-09

BE IT RESOLVED, that the Borough of Somerset, Somerset County, PA hereby requests an H-20 PA grant of One Million Three Hundred Thirty-Three Thousand, Two Hundred and 00/100 Dollars (\$1,333,200.00) from the Commonwealth Financing Authority to be used for the Columbia Avenue Flow Equalization Sewer System Project.

BE IT FURTHER RESOLVED, that the Borough of Somerset does hereby designate Ruby W. Miller, President of the Borough of Somerset and/or Benedict G. Vinzani, Jr., Borough Manager, as

the official(s) to execute all documents and agreements between the Borough of Somerset and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Benedict G. Vinzani, Jr., duly qualified Secretary of the Borough of Somerset, Somerset County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Somerset at a regular meeting held on the 24th day of May 2010 and said Resolution has been recorded in the Minutes of the Borough of Somerset and remains in effect as of this date.

Unanimously Carried.

Chamber Choice-on-Demand Energy Program

Mr. Vinzani said the paperwork deadline for this program has been submitted, is being reviewed and they ask the Council President to execute the documents to participate in the Energy Savings Program.

Mrs. W. Miller moved to authorize Mrs. R. Miller, President, to sign the required documents to participate in the Energy Program – motion seconded by Mr. Urbain.

Unanimously Carried.

PennDot's Transportation Enhancement Grant Application

Mrs. Pugh was present at an earlier meeting and spoke about the lack of sidewalks along Franklin Street. There is a grant application for a Transportation Enhancement Program. To place sidewalks along portions of S. Franklin Avenue would cost a local cash match of \$37,175.00. They discussed the various sections that are without sidewalks and the concern for safety of school children. No motion was offered and a comment was made that other options should be considered, therefore, the application will not be submitted.

Borough Civil Service Regulations

Mr. Vinzani said the Solicitor will guide us through the process to amend regulations reflecting the addition of Sergeants, to enable the Civil Service Commission to address any issues pertaining to the new position.

Mr. Koval moved, Mr. Walker seconded to proceed to amend the Civil Service Regulations, with guidance of the Solicitor.

Unanimously Carried.

Somerset County Commissioners - Update

Regarding the water line to service Jefferson Township, in response to the Commissioner's letter, Council agreed to request a copy of the contracts for the other water customers. This will give Council an opportunity to decide whether to send a supplemental letter.

Mrs. W. Miller moved to authorize Mr. Vinzani to request copies of all water agreements - motion seconded by Mr. Walker.

Unanimously Carried.

Donations – Humane Society/Daily American

Mr. Koval moved to donate \$250 to the Humane Society – motion seconded by Mr. Walker.

Unanimously Carried.

Mrs. W. Miller moved to donate \$1,000 to the Daily American for fireworks display – motion seconded by Mr. Urbain.

Unanimously Carried.

Memorial Day Parade Committee

Mr. Vinzani said the Memorial Day parade was added to our insurance coverage in years 2008 and 2009. Council could cover the next two years provided it is with the same people and event, with no additional premium for year 2010.

Mrs. W. Miller moved to add this coverage to our insurance policy for years 2010 and 2011, contingent upon the proper permits – seconded by Mr. Walker.

Unanimously Carried.

Handicap Parking Space Request

Mr. Walker moved to turn the request for a handicap parking space at 1102 Orchard Avenue to the Chief of Police for examination of the situation, with a recommendation to Council – motion seconded by Mrs. W. Miller.

Unanimously Carried.

Shade Tree Committee

Mr. Koval moved, Mr. Urbain seconded to accept the resignation of Carroll Rickenbrode from our Shade Tree Committee, and forward a letter of thanks.

Unanimously Carried.

Letters of Interest

Mr. Vinzani explained that these letters are a method of reaching people who may be interested in serving on boards/commissions. He was authorized to prepare letters-of-interest to serve on the Shade Tree Commission, for his news column.

Mary S. Biesecker Public Library

Mrs. W. Miller moved to approve the request for the re-appointment of Charles Olsen to the Board of Directors for a 3-year term – motion seconded by Mr. Urbain.

Unanimously Carried.

Rezoning Request

Concerning a rezoning request from Attorney Rullo, Mr. Vinzani said the procedure is to refer it to our Planning Commission who then reviews it and forwards it back to Council for a Public Hearing. A question was posed as to whether a larger area might be considered since the Turnpike entrance area is a location for hotels.

Mr. Urbain moved to refer this request to rezone a parcel of property from C-1 to M-1 to our Planning Commission for review, then forward it to Council for a Public Hearing, in accordance with procedure – motion seconded by Mr. Walker.

Unanimously Carried.

Masons Lodge Request

Mrs. W. Miller moved to allow a container for the proper disposal of worn-out national flags to be placed at the Public Safety Building, as requested by the Somerset Masons Lodge – motion seconded by Mr. Urbain.

Unanimously Carried.

Donation Request

The Finance Committee was asked to review the “Red Knights” request for a donation benefitting the Humane Society, then report back to Council.

Committee, Administration, Special Reports

Manager’s Report

Mr. Vinzani reported the following:

- He attended the Municipal Summit in Bakersville – applications from the program ‘Google Earth’ could be beneficial to us.
- A presentation on CDBG programs and the Development Council’s newly developed website, “Prospectors Program” lists current properties available for industrial development.
- Changes are being proposed in the Uniform Construction Code. They discussed the County’s attempt to clean up illegal dumpsites. A Tire Collection Day will be sponsored in the County on 6/19/10 at the Conemaugh Township Municipal Building as part of the Dump Cleanup Program.

He asked Council to consider having him work with the Solicitor to develop a response to Mrs. Petras’ letter to explain our position on replication of an old permit.

Mrs. W. Miller moved, Mr. Walker seconded to authorize Mr. Vinzani and Mr. Dirienzo to develop a response to the letter from Mrs. Petras, to explain our position and not involve us in this process.

Unanimously Carried.

Public Works and Equipment Committee

It was reported that the camera we bought to photograph laterals is in operation. Training was provided by the company.

Public Safety Committee

Mr. Meyer reported that Officer Brian Connors has accepted a full-time position with the Connellsville Police Department. He filled the role of First Aid CPR instructor, and has agreed to continue this year. If he is removed from the roster and comes back, a fee is involved, so if kept on the roster until he teaches this year, he will be paid for his hours involved. Mrs. W. Miller said she is qualified to teach, and offered her assistance with the training.

Police Chief Cox will be consulted. Mr. Meyer said a possible replacement, presently working as a security officer at Memorial Hospital in Johnstown, came from the Easton, Maryland Police Department. He asked for approval to begin the background investigation of this officer, since we are paying overtime to fill shifts.

Mr. Walker made a motion to add to the part-time roster on the condition that the officer being considered goes through the necessary final testing. Motion seconded by Mr. Koval.

Unanimously Carried.

Mr. Walker moved to forward a letter of thanks to Officer Connors - motion seconded by Mrs. W. Miller.

Unanimously Carried.

Shade Tree Committee

The Committee met with the Department of Conservation & Natural Resources forester. He is analyzing a tree on the Diamond that is without foliage. The tree inventory crew will replace some Norway Maple trees on West Main Street

Somerset Inc.

The Somerset Inc. Board continues to meet on a regular basis, and will be planning the Fire & Ice Festival for January 2011. The furlough of Ms. Williams was not outlined as permanent and a decision will be made at some point.

Solicitor's Report

None

Mayor's Report

None

Adjournment

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

Unanimously Carried.

8:43 p.m.

Ph.D.

Benedict G. Vinzani, Jr.,

Borough Manager/Secretary