

**Somerset Borough Council Meeting**  
**July 26, 2010 – 7:30 p.m.**

**Public Hearing, H.K. Realty – 7:00 p.m.**

Public Hearing was called to order by Council President, Ruby Miller.

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

**Present:**

Ruby Miller, Frank Koval, Hank Parke, Fred Rosemeyer, Wanda Miller, Scott Walker. Ben Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; Attorney Dan Rullo; George Svirsko, Director of Public Works; Greg Elliott, Consulting Engineer, EADS Group.

Mr. Vinzani said he received a request from Attorney Rullo on behalf of H.K. Realty, to rezone a parcel of property. This was forwarded to our Planning Commission for evaluation - they reviewed the request and recommended that Council hold a Public Hearing to approve the rezoning request.

Attorney Rullo explained that H.K. Realty intends to construct a Holiday Inn Express. The area is a C-1 zone district and there is no provision in a C-1 zone to allow a Special Exception. The ordinance permits a Special Exception assuming permission is requested for a C-1 zoning from the Zoning Hearing Board. They are asking Council to consider a map change of the area that encumbers H.K. Realty and G.M. Realty, from a C-1 to M-1 zoning. This allows them to ask the Zoning Hearing Board for a Special Exception. He said he does not see a major change in use of the property

The map was reviewed, with various adjoining areas pointed out – Lewis Drive, Quality Inn and Turnpike Interchange, with room for expansion. The owner's wish is to construct the 4-story hotel.

Mr. Vinzani pointed out that Council is not approving the project or any of the individual aspects at this time; the request before them is for only a change in our zoning map from C-1 to M-1. The applicants will still need to go before the Planning Commission for final details, such as traffic patterns, parking spaces, aesthetics, heights, and restrictions with the Zoning Hearing Board.

With no further comments offered, the Chairman declared the Public Hearing closed.

## Borough Council Meeting – July 26, 2010

Regular Council Meeting was called to order by President Ruby Miller at 7:30 p.m.

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

### Present:

Ruby Miller, President; Fred Rosemeyer, Wanda Miller, Frank Koval, Hank Parke, Scott Walker, Council Members. Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; John J. Dirienzo, Jr., Borough Solicitor; Randy Cox, Chief of Police; William Meyer, Mayor; Eric Critchfield, Borough Engineer.

### Previous Meeting

Minutes of the June 28, 2010 Council meeting were approved, on motion of Mr. Koval, seconded by Mr. Parke.

Unanimously Carried.

### General Public Comments – Dog Park

Concerning the off-leash dog park at the former playground property, Mr. Dirienzo said the School District is the grantor and we are the grantee in the deed. He said he received correspondence from Attorney Carroll with a proposed deed. If Council wants to make use of the property other than a playground, the School District is open to discussions concerning what a new deed might contain, but in the meantime they are requesting a re-conveyance of the existing property since it is no longer a playground.

Unless Council plans to turn it back into a playground they should sign the deed, with a motion authorizing Council President to execute the deed on behalf of the Borough; he would then deliver the deed back to the School District. If it is to be used for something else under Borough auspices, this would be discussed. If we would be the lessor to someone who would use it as a dog park, details would need to be agreed upon. If an agreement is reached, the School District would reconvey the property back to the Borough with new conditions attached, which would be step two - step one is to convey the property to the School.

In answer to a question of whether rent could be added, he said it is believed that the School District does not have this authority with district property. The property would go back "as is" including the building.

Mr. Rosemeyer moved to deed it back to the School District, with the Borough being completely exonerated from it – motion seconded by Mr. Walker.

Unanimously Carried.

### **Administrative Business**

(a) Communications – none

(b) Payment of Bills:

Mrs. W. Miller moved to pay the following bills, motion seconded by Mr. Koval with an addition of Maust Excavating in the amount of \$157,921.45 for the Hickory Hill Sewer Project.

Check Nos. 15818 to 15987                      Total: \$315,921.45

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

Unanimously Carried.

### **Policy Agenda**

#### **Old Business**

(a) H.K. Realty – Action on re-zoning request

Mr. Rosemeyer moved to prepare the ordinance to approve the zoning request of H.K. Realty for a map change of the area encumbering H.K Realty and G.M Realty, from a C-1 District to M-1. Motion seconded by Mr. Parke.

Unanimously Carried

(b) Snow Emergency Policy/Ordinance

The update from the Public Works Committee is asking the public's opinion through the manager's "Inside Somerset" column and report back to full Council with a recommendation.

(c) Resolution – Tax Collection Records

The Manager said as of this date, we have not received a list of specific documents she wishes to dispose. When we receive this information, we will prepare a resolution to dispose of records in accordance with the Commonwealth's Record Retention guidelines.

(d) Somerset County Economic Development Council

The manager stated that he is waiting for Mr. Silka to contact him on his availability to appear at a Council meeting to make his presentation.

New Business

Finance Committee Recommendation

Mr. Rosemeyer reported we received 68% revenue at 50% of the year, and only spent 49 percent of our budget. He pointed out that the snow removal of last winter placed us in the hole but everyone is doing an excellent job. Road paving, annual pickup and equipment purchases were removed. A request was received from the Fire Department for paving in front of the fire station. They will proceed with the work and the Borough will excuse the rent payments to begin January 2011

The following discussion ensued:

To consider increasing their rent at next budget committee meeting for the extra space that was given to them on the 2<sup>nd</sup> floor of the Public Safety Building.

Bids were received for the paving project; one was selected – it was mentioned that the fire department was given a discount because they are a non-profit organization.

There was concern about the amount of heavy trucks turning around in the lot which causes constant wear of the pavement.

The contractors for this paving project will be Stoy Excavating and New Enterprise, working together.

Mr. Walker moved to excuse the Fire Department rent beginning January 2011 up to the amount of \$21,485.00 so that they can proceed with the repair work – motion seconded by Mr. Parke.

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

Unanimously Carried.

### Storm Water Complaints

Mr. Vinzani stated that many are working to keep the budget on target and we must limit ourselves to only jobs that are our responsibility. We have been asked by other agencies to do work concerning storm water complaints on roads not owned and maintained by the Borough. Numerous residents bordering State roads have contacted PennDOT, who refuse to do anything about the complaint and mentioned having the Borough correct the problem.

He said we plan to continue to address only items that are the Borough's responsibility and avoid those that are not, to keep our budget on target. Solicitor Dirienzo explained that sometimes a water runoff problem is attributable to a municipal entity. If it is our street we are responsible, but if it is not our street, people should consult with legal counsel.

### Policy for Grass Clippings and Leaves

Mr. Vinzani said there are three options for clippings disposal; one is to do nothing. If we have to gate our drop-off area it affects everyone that uses it now. Mr. Svirsko said contractors are abusing the bins with brush and grass clippings. He explained that one employee is at the compost bins 16 hours per week. Our compost bins were designed for only our residents' use, complying with the Commonwealth's recycling requirements. Mrs. R. Miller asked how to control the landscapers. Council's consensus is to write a letter to contractors stating that we are limiting our drop-offs to residential users only.

Mr. Koval moved to send the letter to all commercial landscapers, notifying them to discontinue drop-offs at our compost bins – motion seconded by Mr. Parke.

Unanimously Carried.

### American Geotechnical & Environmental Services

Mr. Vinzani informed Council that American Geotechnical is requesting to store a trailer on Borough property. They are not offering any remuneration to the Borough. He pointed out that there is an adjoining parcel of land (Penelec property) that could be used for this purpose.

Mr. Parke moved to refuse to give American Geotechnical & Environmental Services permission – motion seconded by Mr. Koval.

Unanimously Carried.

Mrs. W. Miller reported that she will be attending a PSAB Board meeting at State College. They will discuss the upcoming Convention and the 100-Year Anniversary next year, plus a Fall Conference.

### Manager's Report

Mr. Vinzani reported on the following:

- He attended the County Drought Task Force meeting – they discussed water supply issues and well head protection levels.
- Thirteen of our employees were certified in Work Zone Traffic Control, provided by our insurance company.
- PennDOT will meet with our Borough and Township employees to provide training sessions on the recently installed Route 601 North Center Avenue Signalization Project. Motion detectors are now placed at most of the mast heads on North Center Avenue.
- National Night Out is scheduled for August 3, 2010.

### President's Report

Mrs. R. Miller asked about the concept of a charge card for payment of our smaller bills. Mr. Vinzani said they can investigate ways to consolidate the number of smaller bills for a more effective way of purchasing.

### Engineer's Report

Mr. Critchfield asked if anyone had questions on the Status of Projects, and reported that the Hickory Hill Project is 60% complete.

### Public Safety Committee.

Several Agenda items: volunteer help is needed for Community Night Out. There are concerns about speed limit signs. The School Resource Officer position will now be working with Domestic Violence. The Police Chief and his staff were thanked for their support at Somerfest.

### Shade Tree Committee

At last week's meeting they looked at using grant money for tree removal. Mrs. R. Miller said residents should be given permission to trim tree branches hanging over the curb. They can be notified that trimming branches will not damage the tree and that a permit is not needed. Branches can damage mirrors on trucks, etc, which becomes an expense to public works.

### Somerset Inc.

The Board met and discussed the Fire & Ice Festival. At some point they will have an office and director. The Manager talked about developing a business attraction plan and ways to entice new businesses and help existing businesses.

### Solicitor's Report

The Solicitor reported that a meeting will be held with the Turnpike officials to finalize the right-of-way issue with the utility relocation easements. A second appeal on the same zoning issue is set for August.

### Mayor's Report

Mayor Meyer reported on National Night Out, set for August 3. They are short on donations and will call on summer youth help.

Mrs. R. Miller spoke about an issue with magazine sales persons calling on residents after 9:00 p.m. Mr. Dirienzo said there are no time restrictions. Mr. Cox said to enforce this legally would require amending the ordinance. They discussed permits, competition with school students, identification badges.

### Executive Session

Mr. Parke moved to enter into Executive Session for discussion of pending litigation, motion seconded by Mrs. W. Miller.

Unanimously Carried  
8:38 p.m.

### Adjournment

Following completion of the Executive Session, regular Council Meeting reconvened then adjourned, on motion of Mrs. W. Miller, seconded by Mr. Koval.

Unanimously Carried.  
9:05 p.m.

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