

Somerset Borough Council
September 27, 2010 – 7:30 p.m.

Meeting was called to order by Vice President, Fred Rosemeyer, and opened with recitation of the Pledge of Allegiance to the Flag.

Present:

Benedict G. Vinzani, Jr. Borough Manager; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; Tom Reilly, Consulting Engineer; William Meyer, Mayor; Randy Cox, Chief of Police. Council Members: Paul Urbain, Fred Rosemeyer, Wanda Miller, Scott Walker present. (Sign-in sheet is available on file.)

Previous Meeting

Minutes of the previous meeting of August 23, 2010 were approved, on motion of Mr. Walker, seconded by Mr. Urbain.

Unanimously Carried.

Payment of Bills

Mrs. Miller moved to pay the following bills/requisitions – motion seconded by Mr. Urbain:

Checks: Numbers 16165 to 16342	Total Amount: \$684,400.26
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Unanimously Carried.

Old Business

Snow Emergency Policy/Ordinance

Mr. Walker said the Public Works Committee is in favor of this policy and asked if there are any concerns with postponing it until those missing on the committee are present.

Mr. Vinzani said car removal refers to Ordinance 1153. If adopted, this policy will be in place for this winter. Mrs. Miller questioned whether a time frame should be included – Mr. Vinzani explained that this merely calls attention to the existing ordinance.

Mr. Jerry Lyons asked if there is anything the Fire Department should be concerned about. Mr. Vinzani said it involves driveways and asks for property owners' help in keeping hydrants cleared. At last meeting the consensus of the committee was in favor of provisions of the policy, so the public can know what to expect.

Mr. Walker moved to approve the Snow Removal Policy as written, seconded by Mr. Urbain.

Vote: Mr. Urbain, yes; Mr. Rosemeyer, yes; Mrs. Miller, yes; Mr. Walker, yes.

Unanimously Carried.

New Business

Jeff Silka, Somerset County Economic Development Council, stated that they are looking at a website data base called "somersetcountyprospector.com" to keep opportunities for more land available. The website is a basic real estate data base which allows people to specialize in areas that they are looking at – a one-stop shop in Somerset County. It is at a cost of \$20,000 per year and they have a commitment to use it for three years at this time. He explained that they work through their realtors and had an article in the Somerset Daily American newspaper. It is a free service to anyone in Somerset County. Mr. Vinzani pointed out that this is a request for yearly dues, amounting to \$676.20 which is 10 cents per capita.

Mrs. Miller moved to pay the dues in the amount of \$676.20 to the Somerset County Development Council – motion seconded by Mr. Urbain.

Unanimously Carried.

Resolution No. 2010-11

Mr. Vinzani said this is authorization to install and operate traffic signals at the Turnpike Access Road as part of the Turnpike Commission's new road construction project at the toll booths, replacing and slightly relocating the existing traffic signal. The application to PennDOT is to install and operate the signals, paid for and installed by the Turnpike Commission but controlled and operated by the Borough.

Mrs. Miller moved to adopt the following Resolution, seconded by Mr. Urbain:

RESOLUTION NO. 2010-11

WHEREAS, the Borough of Somerset, Somerset County, desires to erect, operate and maintain traffic signals on the Turnpike Road, Marsh Road and Tollgate Road, and;

WHEREAS, the Vehicle Code requires the approval of the Secretary of Transportation before any traffic signals may be legally erected or reconstructed, and;

WHEREAS, the Department of Transportation requires an engineering drawing of the location, the firm of TPD will prepare such a drawing in conformance with the instructions provided by the Department.

NOW THEREFORE, BE IT RESOLVED, that traffic signals be erected at the above mentioned location, subject to the approval of the Secretary of Transportation and that his approval is hereby requested, and;

BE IT FURTHER RESOLVED, that in the event a traffic signal permit is approved after proper investigation, the Borough of Somerset will be bound by the following provisions:

The traffic signals shall be installed and maintained in accordance with the Vehicle Code and the Regulations for traffic signs, signals and markings of the Department of Transportation, and;

Should future highway or traffic conditions or legal requirements necessitate alteration of the construction or operation, or hours of operation or removal of the traffic signals at the above-mentioned location, they shall be altered or removed when and as directed by the Secretary of Transportation.

Unanimously Carried.

Resolution No. 2010-12

The Manager explained that we receive monies from the Commonwealth to support the Borough's pension funds. The amount is \$158,507.27 to be divided among our three pension plans.

Mr. Urbain moved, Mr. Walker seconded to adopt the following Resolution:

RESOLUTION NO. 2010-12

WHEREAS, The Borough of Somerset has received a direct deposit from the Commonwealth of Pennsylvania dated September 24, 2010 in the amount of One Hundred Fifty Eight Thousand, Five Hundred Seven and 27/100 (\$158,507.27) Dollars, representing the Commonwealth's allocation from the General Municipal Pension State Aid Program, and:

WHEREAS, Act 205 of 1984 provides that pension allocations must be deposited in the Municipal Pension Plan within thirty (30) days of receipt by the Municipal Treasurer, and;

WHEREAS, the governing body must determine by Resolution the amount to be distributed into its various plans;

NOW THEREFORE, BE IT RESOLVED, that Twenty One Thousand, One Hundred Fifty Two and 27/100 (\$21,152.27) Dollars be allocated to the Non-Collective Bargaining Pension Plan; Forty Five Thousand Eight Hundred Seventeen and 00/100 (\$45,817.00) Dollars be allocated to the Non-Uniformed Collective Bargaining Pension Plan; and Ninety One Thousand Five Hundred Thirty Eight and 00/100 (\$91,538.00) Dollars be allocated to the Police Pension Plan.

Unanimously Carried.

Public Participation Policy

Mr. Vinzani said there was interest in updating this policy but nothing specific was mentioned. Regarding the Sunshine Law, the Solicitor said the policy depends upon the current public participation and the comment period for citizens of the community and/or taxpayers. It does not have a time limitation opportunity and is statutory, so it would supersede anything we had in place regarding the two classes: taxpayers and/or citizens, but it is not an open invitation to engage in two-way discussion.

He advised that the existing policy can be tuned up but it should be a matter of policy so that it does not appear to be personal, and it must be well known that this is the way it will be handled.

Mr. Walker moved to have the Solicitor explore tuning up our Public Participation Policy – motion seconded by Mr. Urbain.

Unanimously Carried.

Solicitation Ordinance

A discussion was held concerning the peddler’s ordinance. Chief Cox explained the permit application procedure and said he believes there should be more restrictions in place. They discussed the need to set reasonable hours, having the power to revoke the permit, and that every individual should be issued a separate license.

Mr. Dirienzo pointed out that the justification for licensing is concern for public health, safety and welfare. The ordinance should contain the requirement for I.D. for those with these permits

It was agreed to circulate the recommendations of the Solicitor, Chief and Manager for Council’s review on the Peddler’s Ordinance.

Hickory Hill Sewer Project – Change Order

Mr. Reilly presented a change order to reduce the contract amount for the Hickory Hill Sewer Project by \$1,800.00 to eliminate two manholes on Forest Street and install cleanouts, as a technical decision, on Borough right-of-way.

Mrs. W. Miller moved, Mr. Walker seconded to approve the change order, reducing the contract amount by \$1,800.00.

Unanimously Carried.

Council then discussed an intersection near the F.O.E. Building (Edgewood Avenue and West Main Street) and how it could be made less dangerous. PennDOT was approached about it; it cannot be made a 4-way stop, and the Manager said the project will soon be completed.

Manager’s Report

Mr. Vinzani reported on the following:

- A special County Drought Task Force meeting was held; the State declared a drought warning for our county and surrounding counties, requiring a voluntary reduction of 10% to 15% of non-essential water use.
- He and Mr. Peters attended a training session in the PA Act 44, which requires us to send out disclosure forms to any professional service consultant that is paid with our pension funds.

- He attended a Roadside Tree Care seminar with tips on how municipalities handle trees in their rights-of-way.
- The annual confined space entry training for our Safety Committee was held and is being conducted for all departments.
- The Coxes Creek Flood Protection Project inspection was held – the Army Corps of Engineers inspects Coxes Creek every year.
- A letter was received from Representative Metzgar, conveying a letter from Governor Rendell concerning correspondence from the State Planning Board regarding our rights to regulate gas exploration.
- Leaf collection dates were established, for October 18 and November 15.
- Christmas decorations will be installed on November 7th.

Vice President's Report

Mr. Rosemeyer made a suggestion to send a letter of thanks to the Fire Department for all their services, along with a letter of award going out to community businesses for outstanding upkeep of their property.

Finance Committee

Mr. Urbain reported the General Fund revenues at 82% with expenses of 62%; Water Fund revenues 68% with expenses at 58%; Sewer Fund revenues at approximately 64% with expenses at 79%, including the Hickory Hill expenses, (otherwise expenses would be only 57%).

Mayor's Report

A press conference will be held concerning the new way of disseminating information with the media through the website.

Adjournment

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

Unanimously Carried, 8:27 p.m.

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