

## **Meeting of the Council of the Borough of Somerset**

October 25, 2010 – 7:30 p.m.

Meeting was called to order by President, Ruby Miller, opening with recitation of the Pledge to the Flag.

### **Present:**

Paul Urbain, Ruby Miller, Hank Parke, Fred Rosemeyer, Scott Walker, Council Members. William Meyer, Mayor; Benedict G. Vinzani, Jr., Borough Manager; Brett Peters, Director of Finance; Randy Cox, Chief of Police; John J. Dirienzo, Jr., Borough Solicitor; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works, Tom Reilly, Consulting Engineer; Gary Thomas and Jerry Lyons, Somerset Fire Department.

### **Announcement**

Mrs. Miller stated that an Executive Session was held for the purpose of contract negotiations at 6:00 pm on October 25, 2010.

### **Previous Minutes**

Mr. Rosemeyer moved to approve the minutes of the September 27, 2010 Council meeting – motion seconded by Mr. Walker.

Unanimously Carried.

### **Bill Payment**

Mr. Urbain moved to pay the following bills/requisitions, motion seconded by Mr. Rosemeyer:

Check Nos. 16343 to 16498                      Total: \$663,102.48

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

Unanimously Carried.

### **Public Participation Policy**

Mr. Vinzani said the Solicitor had an opportunity to review our current Public Participation Policy. Mr. Dirienzo said our policy does not appear to be covering all that we need. We need limitations but only within confines of the Sunshine Law. It requires us to provide a reasonable opportunity for residents/taxpayers to comment on matters of concern, with time limitations. We are looking at limitation on the

public comment section and we urge a single spokesperson for groups having a common interest, but a bottom line maximum for the whole period.

“Public Comment” is intended to allow opportunity for citizens or taxpayers of the community to express their views. Mr. Rosemeyer said he brought information from his PSAB training program that refers to claims and violations of the First Amendment, for the Solicitor’s review.

Discussion followed, regarding whether it is a resolution or a policy, and whether a guideline or mandatory. They spoke about having an agenda posted on our website. The Manager said it would have to be tentative since it is subject to change. He said the procedure from our Rules of Order is to request to be placed on the Agenda.

### **Mayor – Swearing-in**

Mr. Meyer introduced Officer Greg Hall, who returned to the Johnstown area from the Maryland Police Department. He conducted the Swearing-in ceremony, and Officer Hall was introduced to Council and staff.

### **Solicitation Peddler’s Ordinance**

Mr. Vinzani said he and the Solicitor circulated a sample ordinance from PSAB. Mr. Dirienzo said we have two ordinances that are inconsistent with each other, leading to confusion. They will have to be made consistent or one repealed, but regulating the activity. They carry the regulation of fixed business locations that are temporary such as Somerfest or the Antique Fair. Each vendor is technically in need of a permit.

They discussed age limits for these sales, and that the Chief and Mayor will be consulted since they will handle enforcement, along with a Councilperson and Manager. Input from Council was requested, and he said there is a difference between exemptions from fee as opposed to exclusion from regulations. Some groups are exempted from the fee but must get the license, but others are exempted from license requirements. Mr. Dirienzo said this is a public safety issue as part of the licensing process, to know who is selling, hours of operation, etc.

The fee structure can be per person, per company, with a bulk license for up to a certain number of people within the company. Copies of the ordinances were distributed. He suggested a committee be formed, and volunteers’ Scott Walker, Paul Urbain and Fred Rosemeyer were selected, along with himself, the Borough Manager Chief of Police and Mayor.

### **Fire Department**

It was reported that the cones placed in the Safety Building parking lot were successful in preventing trucks from turning in the newly paved lot. The newspaper office was very cooperative.

Concerning question on status of the Dog Park, Mr. Vinzani explained that this issue is transferred to the School. We will investigate any violations.

### **New Business**

#### **Trinity Park Offer**

The Manager said a letter was received from Mrs. Vanyo informing us that she wishes to have the Trinity Park deeded to the Borough of Somerset. Discussion followed, concerning liability, insurance, maintenance, etc. Mr. Rosemeyer offered a motion to accept the property from the Vanyo's. Following discussion regarding deed restrictions, he rescinded his motion and moved to have the Solicitor examine the deed and return next month for a vote – motion seconded by Mr. Walker.

Unanimously Carried.

#### **Light-up Night Committee**

At the Light-up Committee meeting a request for free parking was received for the Christmas season, from November 5<sup>th</sup> through 7<sup>th</sup>, and November 20<sup>th</sup>, borough-wide. Neither the Police Department nor staff has the ability to suspend or change parking regulations. Operation of the meters could be suspended, while making it clear that this would not include illegal parking, and with assurance that it would not include business owners taking up the parking for the whole day.

Mr. Parke moved, Mr. Urbain seconded to have free parking November 5<sup>th</sup> through 7<sup>th</sup>; and November 20<sup>th</sup>.

Unanimously Carried.

This information will be placed in the local newspapers.

#### **Dunbar, Bender & Zapf, Inc.**

Mr. Vinzani informed Council that our current firm, W&W Actuarial Services, is unable to continue to provide actuarial services to us. We need to have an actuary in place. They discussed costs, (from general, water & sewer fund), based on if we go through the plans that a Request for Proposal is required by Act 44. There is a minimum municipal obligation that the Borough pays for each pension plan, based on certain assumptions such as age, projected date to retirement, etc.

Mr. Urbain moved to hire the firm of Dunbar, Bender & Zapf, Inc., with the provision that we look for other people locally within the next two years.

At this point they questioned the possibility of checking other local actuaries – Mr. Vinzani pointed out that we would need to develop a set of specifications for an RFP, and to consider the fact that a new firm may not be familiar with our business. We would need help to develop a Request for Proposal. Mr. Peters said as part of Act 44 we have to advertise the results of our RFP on our website in order to go through this process and also justify why we chose the one that we did. Mr. Vinzani said along with this motion he needs authorization to engage a professional service to help develop the RFP.

Mr. Urbain motioned to hire Dunbar, Bender & Zapf, Inc. was seconded by Mr. Rosemeyer.

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

Motion Carried 3 yes – 2 no

### **Industrial Scientific Gas Detectors – Lease Agreement**

President Miller commented about a recent fatality in a municipality resulting from methane gas from a manhole opening. Mr. Vinzani mentioned that the gas detectors utilized by the Borough are in need of replacement and that he has obtained a quote from Industrial Scientific that will actually save the Borough money. It would cost less to lease new gas detectors than it would be to continue to repair and perform maintenance on our antiquated detectors.

#### **Motion**

Mr. Parke moved to authorize a lease agreement for gas detectors with Industrial Scientific, pending review by our Solicitor – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

## **Committee, Administration, Special Reports**

### **Manager's Report**

Mr. Vinzani reviewed the following:

- A webinar on Highway Occupancy Requirements was held by Penn DOT, addressing new drainage requirements for State roads.
- He and Mr. Svirsko attended CDL supervisory training for drug/alcohol for our CDL Program.
- The Safety Committee met – gas detectors were discussed.
- The Somerset County Drought Task Force met – there is a 10% to 15% voluntary reduction of non-essential water use being requested in our County.
- The Department of Conservation & National Resources held a Tree Care seminar, covering planting, preparation, care, evaluation of site/soil, species selection.
- The Finance Committee met October 21<sup>st</sup>.
- Leaf Collection – last week collection is November 15. A surveillance camera was discussed, for the drop-off site.
- Light-up Committee met on October 20<sup>th</sup>.
- Christmas lighting decorations will be put up at 7:00 am on Sunday November 7<sup>th</sup>. Mr. Vinzani extended an invitation to Council to participate.

### **President's Report**

Mrs. Miller asked for a light to be placed at the lobby of the Municipal Building. The drop-off area is too dark – Mr. Vinzani will check on this.

A discussion ensued concerning the number of persons authorized to attend the yearly PSAB meetings. It should be limited to one person per year, with training programs/information brought back to Council.

Regarding street paving for this year, \$55,000 can be allocated for paving, with bidding in April. Prices quoted can be changed. Potential streets consist of parts of Hickory Hill, Union Street, and Columbia from Patriot to Garrett, and Garrett from Columbia to Rosina.

The heating system at the Public Works garage is to be replaced. A quote from Menser's Plumbing & Heating lists the cost at approximately \$60,000. Our grant application to the Department of Energy was not successful

### Motion

Mr. Park moved to place bids for the public works garage heating system – motion seconded by Mr. Walker.

Unanimously Carried.

They discussed tree maintenance on East Main Street. Mr. Vinzani said we have a the grant project to officially take over the trees – the triangle at East Main Street is Penn DOT property

### Public Safety Committee

Mr. Rosemeyer reported that their meeting date is changed to 10:30 a.m. on the second Monday of each month. Mrs. Miller mentioned that the State Dog Warden, Dennis Wetzel is responsible for picking up stray or injured animals; the Borough police cannot legally do this.

### Finance Committee

Mr. Urbain reported spending approximately 75% of our budget, with 75% of the year gone.

### Shade Tree Committee

Mr. Parke reported that tree inventories are ongoing and we have requests for tree removal and replanting.

### Somerset, Inc.

Merchants are working on the Fire & Ice festival. Mrs. Williams has returned. The annual membership fee will still be charged.

### Solicitor's Report

Mr. Dirienzo mentioned letters concerning our water allocation permit renewal that are being sent to the DEP, and we are not being copied with them.

He will appear on behalf of the Borough on December 3, 2010, open court, for argument on a motion to dismiss, regarding the crematorium. Mrs. Miller asked about an ordinance for funeral homes and crematories – the Solicitor said we will be addressing this in our existing ordinance.

Mrs. Miller asked about extension of building permits – Mr. Vinzani explained that an existing permit about to expire on a certain date would be automatically extended, as provided by State law.

### Mayor's Report

Mr. Meyer reported a window shot out at the police station door. A report is being prepared and repairs will be made soon.

Mr. Rosemeyer presented an outline of material from the PSAB conference. He offered to provide handouts. Copies will be made available for the next Council packets.

Mr. Parke mentioned that at last week's Municipal Authority meeting the sale of water to gas drillers was discussed and we were authorized to send a letter to the gas drilling companies expressing an interest in providing water for their operations. They mentioned sharing in the sale of water since the trucks are going through the center of our town to get to the drilling sites.

Regarding traffic congestion at the intersection of Pleasant Avenue and Patriot Street, at a meeting with Penn DOT a "do not block intersection" sign was placed here which is helpful.

Mr. Rosemeyer mentioned the award certificates for outstanding upkeep of properties. They discussed various properties and the Zeigler and Snyder House owners will be asked to attend one of our meetings. Mr. Vinzani asked for other candidates for an award.

### Adjournment

Mr. Parke moved to adjourn, motion seconded by Mr. Walker.

Unanimously Carried.  
9:10 p.m.

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