

Meeting of the Council of the Borough of Somerset

November 22, 2010 – 7:30 p.m.

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

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

Announcements

President Miller announced that an executive session was held at 6:00 pm November 22nd for the purposes of negotiations.

Mr. Rosemeyer moved, Ms. W. Miller seconded to ratify the collective bargaining agreement between the Borough and its Police Officers and the Teamsters Union.

Motion Unanimously Carried.

Recognition

President Miller presented a Certificate of Appreciation to Brian Zeigler of Hauger-Zeigler Funeral Home for the excellent maintenance of their property.

Mr. Vinzani introduced the Public Works crews, and expressed appreciation for their management of the difficult conditions and long hours of work during last year's severe winter.

Approval of Previous Meeting Minutes

Mr. Koval moved to approve the minutes of the October 25, 2010 Council Meeting – motion seconded by Mr. Parke.

Unanimously Carried.

General Public Comments

Mike Beeghley spoke on the issue of the crematory permit for the Miller Funeral Home, Tayman Avenue. He stated that there was no letter of acceptance received on behalf of the Borough as requested from DEP, and that a certified letter was sent to Mr. Miller, asking for the letter. He said he gave a letter to the Somerset Zoning Hearing Board, pointing out that there was no public hearing and that his family and neighbors were not notified. He asked about compliance with the number of parking spaces required for a funeral home, and how the Zoning Ordinance is enforced.

The Solicitor informed him that General Public Comment is not intended to be a question/answer session – comments and questions can be posed but answers cannot be expected.

Administrative Business

Payment of Bills – Mr. Koval moved to pay the following bills/requisitions – motion seconded by Mr. Urbain: Mr. Koval, yes; Mr. Parke, yes; Mrs. W. Miller, yes; Mr. Walker, yes; Mr. Rosemeyer, yes; Mr. Urbain, yes; and Mrs. R. Miller, yes.

Check Nos. 16499 to 16657

Total: \$312,069.54

Unanimously Carried.

Old Business

Public Participation Policy – Mr. Dirienzo said he prepared a draft on this policy for Council's review and asked for any changes or comments. This is directed at our continuing compliance with provisions of the Sunshine Act.

Mrs. R. Miller asked Council to review it for action at next month's meeting, adopting it as a policy, by motion.

Solicitation (Peddler's) Ordinance – Mr. Vinzani reported that a committee was created to have a meeting scheduled by next Council meeting. Mr. Dirienzo said we want to address whether permits should be required for door-to-door sales or temporary setup sales. The decision was made to defer it to the committee.

Trinity Park – Mr. Vinzani said he had requested a reply from the Vanyo's regarding their offer to deed Trinity Park to the Borough. He received no response and will contact them again. Discussion ensued concerning maintenance responsibilities, costs, labor assistance from Tableland, and the Somerset Inc. Board agreed that a park in the Central Business District is a true asset. This issue was tabled until further contact is received.

New Business

Mr. Parke moved to approve the following Resolution; motion seconded by Mr. Rosemeyer:

RESOLUTION NO. 2010-13

WHEREAS, The Borough of Somerset has by ordinance established the use of Certified Public Accountants to audit Borough Accounts, and;

NOW THEREFORE, We, the Council and Mayor of the Borough of Somerset designate Friedline, Pison & Company to audit Borough Accounts for the year 2010.

Unanimously Carried.

H.K. Realty/GM Subdivision Plan – Mr. Vinzani said every subdivision in the Borough requires Planning Commission review and recommendation, and Council has the final approving authority. Approval of their subdivision was recommended, essentially making one lot into two. It meets all requirements and Council is now being requested to accept the Planning Commission’s recommendation.

Ms. W. Miller moved to approve the Subdivision Plan of H.K. Realty and G.M. – motion seconded by Mr. Walker.

Unanimously Carried.

Commonwealth’s Universal Fleet Credit Card Service Program. Mr. Vinzani said we received a copy of the State Contract that municipalities and PennDOT are using. This would provide a variety of places for our gasoline and diesel fuel needs. He explained that this is OPIS plus, varying from week to week. All taxes are removed and we get the State Co-Star price.

Mr. Rosemeyer moved, Mr. Urbain seconded to approve joining the Commonwealth’s Co-Star program for the Borough’s gasoline and fuel requirements.

Unanimously Carried.

Somerset County Hazard Mitigation Plan – Mr. Vinzani reported that the County Emergency Management Office sent information concerning the requirement that the County adopt a Hazard Mitigation Plan. Each municipality within the County must do the same. We participated in development of the plan and he recommended passing the following Resolution:

RESOLUTION NO. 2010-14

WHEREAS, The Borough of Somerset, Somerset County, Pennsylvania is most vulnerable to natural and human-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and;

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and;

WHEREAS, the Borough of Somerset acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and;

WHEREAS, the Somerset County 2010 Hazard Mitigation Plan has been developed by the Somerset County Department of Planning and the Somerset County Department of Public Safety in cooperation with other county departments, and officials and citizens of the Borough of Somerset, and;

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Somerset County 2010 Hazard Mitigation Plan, and;

WHEREAS, the Somerset County 2010 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and human-made hazards that face the County and its municipal governments,

NOW THEREFORE, BE IT RESOLVED by the governing body for the Borough of Somerset:

- The Somerset Co 2010 Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the Borough of Somerset, and;
- The respective officials and agencies identified in the implementation strategy of the Somerset County 2010 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

Mr. Parke moved to approve the above Resolution; motion seconded by Mr. Walker.

Unanimously Carried.

Tentative Budgets for Year 2011

Mr. Urbain reported that through October we came out with 84% expenditures, with no red flags. The Finance Committee met several times and there are a number of items that have been costly. We have made adjustments to allow for increased snow removal expenses and will be doing street paving. We have capital equipment acquisitions and plan to have the spring cleanup. A new furnace is needed at the Public Works Garage, along with several smaller items. We need approximately 2.9 additional mills in the General Fund budget.

The Water Fund has not been a problem. A deficit is projected for year 2011 due to normal inflationary increases; cash reserves on hand can handle this projected deficit. Our \$500,000 debt service on the bond issue will disappear which should create a surplus for the 2012 budget year.

The Sewer Fund budget is prepared with a proposed 3-cents-per-hundred-gallon rate increase, with increasing efforts to detect infiltration and inflow.

Mrs. R. Miller reported the need for more street paving. They want to camera the sewer lines along South Kimberly for any illegal hookups which will be costly but eventually help.

Mr. Urbain reported that they negotiated a contract with the teamsters union for the Police Department.

Mrs. R. Miller said they need to start planning our signs. With the property assessment reductions through appeals, we will be in a deficit of \$5,600.00 next year from three properties. Mr. Vinzani said we had a significant amount of properties which reduced our assessed valuation for year 2011. Mrs. R. Miller said the new motel may bring in more revenue.

Mrs. W. Miller asked if there is a possibility of having only one increase instead of the sewage rate and millage rate both being increased. Mr. Peters explained that each budget is independent of the other. They discussed sources of revenue, approximate home evaluations, and Mr. Vinzani and Mr. Peters were commended for staying within the budget this year. Mr. Vinzani said the Public Works crew, Mr. Svirsko, and the Police Chief's department, with significant deficits to account for, also played a large part in coming within budget.

A question was posed concerning the equipment we bought for dealing with illegal sewage. The Manager said the benefit of this is to have compliance with our regulations to reduce the infiltration/inflow into our sewer lines, but those in violation would be subject to whatever provisions the ordinance allows. A new liner will be needed at the disposal plant.

Mr. Rosemeyer moved to consider adoption of the tentative budgets for year 2011 – motion seconded by Mr. Urbain.

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

Carried (5 yes, 2 no.)

Millage would be 14.9 – Mr. Peters said it is required to give the dedicated millage that one is entitled to, by ordinance. Discussion of the millage ensued regarding the fire department and library. Mr. Dirienzo said he will answer specific questions from the legal perspective but cannot accomplish this kind of discussion at this meeting.

Mr. Gary Thomas (Fire Chief) said he would like to have the Fire Department rent reduced. Mrs. R. Miller said the Finance Committee and Solicitor will look at this. The Solicitor advised them to provide a written request to Council, with alternatives and possibilities. Mr. Thomas said that the Borough needs to be more appreciative of the Fire Department.

Mr. Rosemeyer asked if we can appeal the law concerning the libraries receiving more money than the Fire Department. Mr. Dirienzo pointed out that the library millage was established by a referendum and approved by the voters; this can be checked into again.

Committee, Administration, Special Reports

Manager's Report:

- He met with the Somerset County Conservation District members to apply jointly for a grant for rain barrels, to be distributed in the spring. They will be located in areas with storm water runoff problems, and may help with water conservation for those who save rain water for watering plants.
- He and Public Works Director Svirsko attended a seminar on winter street operations.
- The Safety Committee met November 16th.
- He attended a webinar to receive annual CDL supervisory training.
- The Shade Tree Committee met on November 16th
- The Finance Committee met in November.

- The leaf collection concluded, and light-up night occurred this past Saturday.
- Somerset Trust Company provided new lights for our uptown trees as well as new banners.

President's Report:

Mrs. R. Miller attended the County Boroughs Association meeting. She distributed a report to other boroughs, containing equipment and prices available in Somerset, which they could rent. Next meeting is scheduled for March 17, 2011, at Berlin. Mayor Meyer is the Tableland representative. Tableland is involved with Head Start and the County Weatherization Program.

Engineer's Report:

Mr. Reilly previously distributed his Status of Projects and asked if there were any questions. He mentioned that decisions on the PA H2O grants were not made by the Commonwealth as expected. Decisions are now expected in January.

Public Safety Committee:

Mr. Rosemeyer thanked Council for ratifying the collective bargaining agreement with the Teamsters and the police officers. He thanked the Chief for all his work and for the accreditation of the Police Department.

Shade Tree Committee:

A tree was removed at the Chamber office and several trees planted since last month. Some trees were removed with no permit which they are investigating.

Somerset Inc.:

They are working on the Fire & Ice Festival.

Solicitor's Report:

It was discussed with the solicitor that the County should have the ability to prevent persons who do not keep their properties “up to code” from buying more properties at sheriff sales. It perpetuates sub-standard housing. The new state-wide regulations do not require a local ordinance to implement. They discussed the issue of blighted properties and suggested looking at how we can proceed – Mr. Dirienzo said he is not aware of any hearings or adjudications, fines or convictions at this time.

Mayor’s Report

Mr. Meyer commended the high school students on their work in honoring the veterans at the Veterans Day ceremony.

The Solicitor reported that we have not received a reply from the School District to the letter that he sent in August, concerning the dog park.

Adjournment

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

Unanimously Carried.
8:40 p.m.

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