

Meeting of the Council of the Borough of Somerset

December 20, 2010 – 7:30 p.m.

Present:

Ruby Miller, President, Paul Urbain, Fred Rosemeyer, Wanda Miller, Scott Walker, Council Members. William Meyer, Mayor; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; Benedict G. Vinzani, Jr., Ph.D., Borough Manager; Brett Peters, Director of Finance; Tom Reilly, Consulting Engineer. Sign-in: Elton Blenden.

Meeting opened with the Pledge to Flag.

Announcements

President Ruby Miller reported that an Executive Session was held at 6:30 p.m., December 20, 2010 to discuss personnel matters. Executive Session ended at 6:55 pm.

Minutes of Previous Meeting

Minutes of the previous meeting of November 22, 2010, including the roll call vote for payment of bills, were approved, on motion of Mr. Urbain, seconded by Mr. Walker.

Unanimously Carried.

Bid Opening

Mr. Vinzani stated that the following bids be awarded:

CHEMICALS

<u>Bid:</u>	<u>Award to:</u>	<u>Price:</u>
Aluminum Sulfate, 50 lb. bag	Univar USA	9.90
Chlorine, 1 Ton	Univar USA	698.00
Chlorine, 150 lb.	Univar USA	66.60
Corrosion/Scale Inhibitor, Delivered	Univar USA	7.45
Lime, 50 lb bag	Univar USA	8.975
Potassium Permanganate, Per lb.	F2 Industries	2.65
Sodium Bicarbonate, Per 50# bag	Univar USA	13.225

Sodium Fluoride, Per 50# bag	Univar USA	47.45
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DEWATERED SLUDGE REMOVAL

TO: Waste Management, (Per 20 ton Dumpster)

Wastewater Treatment Plant:	\$669.50
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Water Filtration Plant:	\$669.50
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Mr. Walker moved to accept the bid award recommendation as stated, motion seconded by Mr. Urbain.

Unanimously Carried.

General Public Comments

Elton Blenden stated he is concerned about rising taxes, and that he would like to recommend that Tea Party members attend all Borough, Township, and County Commissioner meetings.

Administrative Business

Payment of Bills

Ms. W. Miller moved to pay the following, seconded by Mr. Walker:

Check Nos. 16658 to 16801	Total: \$689,769.53
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Vote: Mr. Urbain, yes; Mrs. R. Miller, yes; Mr. Rosemeyer, yes; Ms. W. Miller, yes; Mr. Walker, yes.

Unanimously Carried.

Old Business

Public Participation Policy

Mr. Vinzani said a proposed Public Comment Policy was distributed to Council and Mayor for comment. He said the Solicitor would like to receive comments from Council, to be sure that the policy is fully understood before adoption. It is believed to be consistent with national standards with the Sunshine Law.

Ms. W. Miller moved to have the Solicitor prepare the final draft for next meeting – motion seconded by Mr. Walker.

Unanimously Carried.

Solicitation (Peddler's Ordinance)

Mr. Meyer said the Solicitor would like a synopsis of what Council might like to have regulated on the Solicitation Ordinance plus the nature of the regulations and how to handle violations.

They discussed various sales activities, complaints concerning time of day, permits, enforcements, etc. He asked Council to offer comments after examining the policy and to make sure that any changes would be consistent with what the national law allows. It was noted that the ordinance states that bread and milk product sales are okay without a permit. Mrs. R. Miller said this item will need more study and will carry over into January.

Trinity Park

Mr. Vinzani provided a copy of Mrs. Vanyo's e-mail stating that now may not a suitable time to proceed with the Park Project. Mrs. R. Miller asked if she (Mrs. Vanyo) is aware that we are doing the maintenance work, and suggested that Council send a letter explaining that we will no longer maintain it.

Mr. Walker moved to send the letter to the Vanyo's, as suggested – motion seconded by Mr. Urbain.

Unanimously Carried.

Discussion ensued concerning maintenance of the library. Mr. Vinzani said we were approached by Board members when the library was having budgetary problems several years ago, and Council agreed that we could provide for them. They receive 0.666 mills of Borough taxation. Mrs. R. Miller asked about plowing, mowing, hedge trimming, etc. Mr. Vinzani said there are two options – we either continue doing this or not, with nothing in between. They discussed the Somerset Library that is used by Township residents. The Manager explained that they have an independent Board and we have a millage dedicated to the Mary S. Biesecker Library by referendum.

Mr. Walker moved to have the Borough discontinue the maintenance work at the library beginning January 15, 2011. In answer to question, Mr. Vinzani explained that we do not own it; we did the maintenance as a good will gesture. Motion was then seconded by Mr. Rosemeyer.

Unanimously Carried.

Mrs. W. Miller moved to discontinue winter services at Ankeny Cemetery. Motion was seconded by Mr. Walker.

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

Unanimously Carried.

It was noted that we maintain the Borough scales because of the pump station. The Turnpike sidewalk was deeded to us and we own this property along with the sidewalks.

Year 2011 Budgets

Mr. Urbain moved to adopt the Final Budget for year 2011 – motion seconded by Mr. Walker.

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

Motion Carried, 4-1.

Wage Increases for Administrative Personnel

Mr. Urbain moved to give the Administration, involving 9 people, a \$61.00 per month raise, dependent upon their evaluation – motion seconded by Mr. Rosemeyer.

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

Motion Carried, 4-1

New Business

Tax Rate Ordinance

The Manager presented copies of the proposed ordinance establishing the millage rate for year 2011, for Council's adoption.

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

ORDINANCE NO. 1346

AN ORDINANCE OF THE BOROUGH OF SOMERSET, COUNTY OF SOMERSET, COMMONWEALTH OF PA, FIXING THE TAX RATE FOR THE YEAR 2011.

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

Motion Carried, 4 to 1

Sewer Rate Ordinance

Mr. Vinzani said the following ordinance including a rate increase can be attributed to the Hickory Hill Project and normal cost increases associated with plant operations. The lagoon liner is being placed on hold because DEP has not raised the issue of its replacement. We planned to finance it but it is not an issue at this time.

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

ORDINANCE NO. 1347

AN ORDINANCE OF THE BOROUGH OF SOMERSET AMENDING THE ORDINANCE ESTABLISHING THE RATES TO BE COLLECTED FROM CUSTOMERS OF THE SOMERSET BOROUGH SANITARY SEWER SYSTEM.

Unanimously Carried.

Act 511 Taxes

Ms. W. Miller moved to re-enact the following Act 511 Taxes at current rates, motion seconded by Mr. Walker:

Earned Income Tax at ½ percent
Real Estate Transfer Tax at ½ percent
Local Services Tax, \$47.00 per year
Mercantile/Business Privilege Tax at ½ mill

Mr. Vinzani explained that the Local Services Tax is used to defer cost of emergency services such as police, fire, etc.

Unanimously Carried.

Appointments to Boards and Commissions for Year 2011

Ms. W. Miller moved to consider the following appointments to the Boards and Commissions for persons whose terms are expiring, motion seconded by Mr. Rosemeyer:

Somerset Borough Municipal Authority - Hank Parke (5-year term)
Somerset Borough Planning Commission - George Shafer (4-year term)
Somerset Borough Zoning Hearing Board - Marty Kammerer and Art DiLoreto (3 year term)
Somerset Borough UCC Code Appeals Board – Art DiLoreto (3-year term)
Somerset Borough Vacancy Board – Delmas Hutzel (1-year term)

Unanimously Carried.

Resolution No. 2010-15

The Manager explained that member contributions to the Police Pension fund for year 2011 are based on an actuarial recommendation, and that based upon their recommendation, the Borough can eliminate member contributions to the Police Department Pension Fund for the year 2011.

Mr. Rosemeyer moved to accept the following Resolution, seconded by Mr. Walker:

RESOLUTION NO. 2010-15

WHEREAS, Ordinance No. 1144, Section XI relating to the Police Pension Fund states that the monthly contributions for participants may be reduced or eliminated by an annual

Resolution if an actuarial study annually indicates that such reductions or elimination for that year will not adversely affect the actuarial soundness of the fund, and;

WHEREAS, a letter dated November 30, 2010 from Mark K. Dunbar, E.A., M.A.A.A.; M.S.P.A., Consulting Actuary, Dunbar, Bender & Zapf, Inc. states “The Borough should adopt a resolution or ordinance to authorize the elimination of employee contributions for 2011 . . . “

NOW THEREFORE, BE IT RESOLVED, that the five (5) percent contributions from Police Officers for year 2011 be eliminated.

Unanimously Carried.

North/South Appalachian Highway Coalition

Mr. Vinzani said he and Mr. Parke attended the Transportation Meeting sponsored by the Chamber of Commerce, and believe supporting the completion of this highway has merit. We have been a continuing member of their Committee. Regarding the question of sending a letter to all 22 boroughs, he explained that organizations can do this themselves at their meetings; individual boroughs would authorize their Administration to forward the letter.

Mr. Rosemeyer moved to send the letter supporting efforts to complete the North/South Appalachian Highway Coalition – seconded by Ms. W. Miller.

Unanimously Carried.

Berkey Excavating Request to Purchase Water

Concerning the request to purchase 100,000 gpd water for gas well drilling, Mr. Vinzani said Council and the Municipal Authority authorized approaching various companies to see if they would be interested in purchasing water from us, and we have an interest. Pick-up would likely be at our Public Works garage where a meter hydrant is set up and where we normally load bulk water requests.

Tonight’s purpose is to authorize the Administration to continue to work with the applicant for terms/conditions, then report back to Council and allow our name to be on any necessary DEP permits.

It was questioned whether we could create a situation where residents could lose pressure or volume – Mr. Vinzani said we will work out details and make sure that our customers are protected with volume, pressure and quality. He explained that this would be treated water – raw water requires a different type of

permit since it is from a stream governed by DEP. We receive a payment for water but they would not pay for sewage.

Mr. Rosemeyer moved, Mr. Walker seconded to approve authorizing the administration and solicitor to work with Berkey Excavating to come to an agreement for the purchase of 100,000 gpd of water. Mr. Vinzani said he wants to have authorization with the Solicitor on terms and conditions to include a provision that we have the right to terminate or change, in case there is a problem.

Unanimously Carried.

Handicap Parking Request

Bernard and Linda Schardt and Wanda Miller are requesting a handicap parking space along the 600 block of South Ankeny Avenue. The next step is to seek authorization from Borough Council for the Police Chief to perform a study to review their request. Mr. Vinzani outlined the procedure: we receive the request, verify handicap placard status of the applicants, then the Chief does a study of the area to determine if the issue is warranted and then Council takes action.

Mr. Urbain moved to authorize Chief Cox to perform this study – motion seconded by Mr. Walker.

Motion Carried 4-0-1(abstention)
(Ms. W. Miller abstains)

Committee, Administration, Special Reports

President Ruby Miller said she met with the Solicitor, Manager and Building Codes Officer concerning the new building codes. It was discovered that there are many things that we have to do as a borough, and a meeting will be set up.

Mr. Rosemeyer reported on the Public Safety Committee meeting. They will need to look at replacement and leasing of vehicles. Mr. Meyer inquired about leasing vehicles. Mrs. R. Miller said we will need to know about any available savings. Mr. Peters said this can be reviewed at the Finance Committee Meeting.

There are concerns on several issues; the Chief and Mayor worked with our special legal counsel regarding the new Contract with the teamsters concerning overtime and shift issues. They discussed the Sergeant's position and what is to be done after first of the year. We will need to buy some different kinds of computers for the new system. This will be a major concern.

The Haz-Mat team of the Somerset Fire Department said there is major concern for manpower, with numerous counties state-wide. They request anyone interested in becoming part of a Haz-Mat team to contact them. The State is mandating a large amount of training for team members and technicians. Many of the firemen do not have the time. They discussed age limits, grants.

Mr. Urbain, Finance Committee, reported revenues of 104% and expenses of 92% for the month December. He commended our Director of Finance.

Adjournment

Mrs. W. Miller moved to adjourn, seconded by Mr. Walker.

Unanimously Carried.
8:35 p.m.

Benedict G. Vinzani, Jr.
Borough Manager/Secretary