

Meeting of the Council of the Borough of Somerset

January 24, 2011 – 7:30 p.m.

Meeting of the Somerset Borough Council was held this date, chaired by Ruby Miller, President. Meeting opened with recitation of the Pledge to the Flag.

Present:

Council Members present: Ruby Miller; Frank Koval; Hank Parke; Fred Rosemeyer; Wanda Miller; and Scott Walker. Also present: William Meyer, Mayor; Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Borough Manager; George Svirsko, Public Works Director; Randy Cox, Chief of Police; Jack Dirienzo, Borough Solicitor; Tom Reilly, Borough Engineer; Gary Thomas, and Jerry Lyons, Somerset Fire Department. (Sign-in sheet is available on file).

Minutes of Previous Meeting

Minutes of the December 20, 2010 Council Meeting were approved, on motion of Mr. Koval, seconded by Mr. Rosemeyer.

Unanimously Carried.

General Public Comments

Linda Schardt - submitted a request for handicap parking space along the 600 block of South Ankeny Avenue for her disabled husband. She said they are presently required to park behind their home in an alley, and that adjoining residents have available parking behind their homes but are not utilizing it.

Gary Thomas, Fire Department – reported that all fire departments in the County were contacted to see if there is interest in forming a hazardous material response team comprised of members from other departments for a County Hazmat Team. The State is mandating 80 hours of training to update our team members. This has been turned over to the County.

Regarding a Hazmat Agreement with another county, the Hazards Material team must respond within two hours after notification, which creates a time frame problem. Regarding a contract with a private company, there are none known in Somerset County. A Hazmat team member need not be a fireman but must attend the technician class to be certified to wear the required apparatus.

Updates are required every year for the recertification license. They discussed number of classes required, pay, attendance, grants, etc.

Mr. Thomas was contacted by the State Police on bringing in the “Hero to Zero” Program on February 8th and invited all present to attend.

Mrs. R. Miller said they will be meeting with Representative Metzgar concerning the requirement for sprinkler systems for residential dwellings.

Administrative Business

Payment of Bills

Ms. W. Miller moved to pay the following bills/requisitions – motion seconded by Mr. Walker:

Check Nos. 16802 to 16991

Total: \$573,991.09

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

Unanimously Carried.

Old Business

Public Participation Policy

Mr. Vinzani distributed a proposed policy along with our existing policy, and the Solicitor prepared a sample policy for consideration. To retain our existing policy, we need to see that it complies with current regulations. Mr. Dirienzo said this is not an ordinance and does not require advertising. The new policy covers regulations on our business meetings, public comment periods, and allows input from Borough residents or taxpayers. Mr. Walker moved to adopt the Public Participation Policy as prepared by the Solicitor – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

Solicitation – (Peddler’s Ordinance)

Mr. Vinzani said there are questions to be addressed before adopting this ordinance. The Solicitor said we must have the authority to regulate it. Another feature to consider is doing business in Somerset Borough from fixed locations which means possible amendments to our existing ordinance. The Mayor pointed

out that fee schedules vary in different places. A detailed discussion ensued, covering licensing costs; regulating of itinerate merchants; fee schedules; nighttime approaches and making sure that signs are legitimate and conspicuously posted.

Handicap Parking Request

Regarding the request of Mrs. Shardt and Mrs. Wanda Miller for a handicap parking space at the 600 block of South Ankeny Avenue, the Chief said he feels there is not enough available parking on this street to support two reserved spaces. They discussed possibility of street lining; parking time periods needed; number of vehicles; posting of signs. Mr. Cox explained that the “no parking here to corner” sign complies with State law prohibiting parking within 20 feet of a crosswalk. He pointed out allowable areas to park.

Mr. Rosemeyer moved to approve one space handicap parking on the 600 block of South Ankeny Avenue – motion seconded by Mr. Parke.

Motion Carried, 5 (yes) 0 (no)
with 1 abstention (Ms. Wanda Miller abstaining)

New Business

Resolution No. 2011-1

Mr. Parke moved to authorize the following Resolution – seconded by Mr. Rosemeyer:

RESOLUTION NO. 2011-01

WHEREAS, The Borough of Somerset adopted Resolution No. 87-02 on April 27, 1987 providing for the destruction of certain papers in accordance with the Retention and Disposition Schedule for Records of Pennsylvania Municipalities, and;

WHEREAS, The Somerset Borough Administration wishes to dispose of some of its records in accordance with this Resolution;

NOW THEREFORE, BE IT RESOLVED, that the following items be authorized for purging:

- 2003 Billing Register Journal (water/sewer office)
- 2003 Billing Adjustments
- 2001-2003 Final Billing Journal
- 2003 Postal Mailing Form for water/sewer bills, Form #3602

2003 Water Office Correspondence
2003 Receipt Books
2003 Municipal Lien Letters
2003 Bankruptcy Claims
2003 Water/Sewer Work Orders
2003 Water Leak Letters
2003 Somerset Twp Miscellaneous Quarterly Actuals
2003 Swimming Pool Adjustments
2003 Complaints
2003 Owner/Renter Final Sheets
2003 Month End reports
2003 Street Light Forms
2003 Annual Water Report Paperwork
2003 Meter Pit Readings
2003 Software Conversion Data
2003 Water/Sewer Bills
2003 Penalty Run & Account Detail Sheets
2003 Daily Cash Receipts Journal
2003 Adjustments
2003 Log Books
2003 Payment Schedules
2009 Records of Deposit & Receipts (Parking Meter Attendant)
2009 Paid Parking Tickets
2009 Paid Parking Permit Applications
2009 Receipts Ledger for Parking Tickets & Permit Parking
2009 Civil Action Cases

January 1, 2011 Billing Items to be destroyed

(completed: January 4, 2011)

N/A 2003 Billing Register Journal
N/A 2003 Billing Adjustments
2001-2003 Final Billing Journal
2003 Postal Mailing Form for Water/Sewer Bills, Form #3602
2003 Water Office Correspondence
2003 Receipt Books
2003 Municipal Lien Letters
2003 Bankruptcy Claims
2003 Water/Sewer Work Orders
2003 Water Leak Letters
2003 Somerset Twp Miscellaneous Quarterly Actual Readings
2003 Swimming Pool Adjustments
2003 Completed Complaints
2003 Owner/Renter Final Sheets
2003 Month End Reports
2003 Street Light Forms
2003 Annual Water Report Paperwork

2003 Township Meter Pit Readings
2003 Software Conversion Data

January 1, 2011 Items to be Destroyed from Water Office Vault

2003 Water/Sewer Bills
2003 Penalty Run & Account Detail Sheets
2003 Daily Cash Receipts Journal
2003 Adjustments
2003 Log Books
2003 Payment Schedules

Bureau of Parking – Request to Purge Records from 2009

2009 Records of Deposit & Receipts
2009 Paid Parking Tickets
2009 Paid Parking Permit Applications
2009 Receipts Ledger for Parking Tickets & Permit Parking
2009 Civil Action Cases

Unanimously Carried.

First Commonwealth Bank

The Manager reported that First Commonwealth Bank is offering to be designated as our depository. He explained that we designate a depository every two years, and if interested in changing depositories we can submit this to the Finance Committee.

Mr. Parke moved to authorize referring this request to the Finance Committee for recommendation – motion seconded by Mr. Walker.

Unanimously Carried.

Residential Sprinkler Systems

Regarding the requirements for residential sprinkler systems for new construction, discussion ensued, covering: water pressure going into the homes; enforcement; size of water lines in town; costs; concern of freeze-ups. Representative Metzger is attempting to have this repealed, and it will become a continuing business item.

Somerset Planning and Engineering Services

They are requesting to rent two additional areas in the Borough's lot across from Cascio's fruit market parking lot

Mr. Parke moved to rent two additional parking spaces to Somerset Planning & Engineering Services as requested – motion seconded by Mr. Walker.

Unanimously Carried.

PSAB 2nd Vice President

Mr. Koval motioned that the Borough submit Fred Rosemeyer for nomination as Second Vice President of the PA State Association of Boroughs - motion seconded by Mr. Parke.

Carried, 5 (yes) 0 (no) with (1) abstention
(Mr. Rosemeyer abstaining)

Committee, Administration, Special Reports

Manager's Report – Mr. Vinzani reported on the following:

- The Drought Task Force met on January 11, 2011 – all water companies reported adequate supplies.
- He and Mr. Peters met with our insurance broker to review our insurance policies.
- The Finance Committee met January 21, 2011.
- A webinar on Open Records Law is available and he invited all to attend.
- Three sample peddler's ordinances were provided by Mr. Rosemeyer.
- Somerset School District is asking for a more detailed description of how the dog park will be operated.

Discussion continued concerning the dog park, with questions about liability; survey of residents in the area; financial support; possible grants. The Solicitor pointed out that our zoning ordinance requires a public park as "conditional use". We would need to know about maintenance, insurance, etc. It was agreed to table this until the Manager can meet with Mr. Atchison to review his plan more thoroughly.

Mrs. Ruby Miller mentioned the problem of sidewalks needing shoveled. Mr. Cox said they respond to complaints when notified, but officers do not have time to canvass. Various complaints and problem areas were pointed out. There is concern about residents walking on streets. He explained that this responsibility does not fall on the realtor; the owner is responsible. Our Public Works Department does not shovel private residences.

Public Works

The Committee discussed plowing issues. A letter will be sent to residents with basketball hoops on rights-of-way that hamper plowing. Potholes on Union Street will be addressed. We are preparing to execute an agreement with East Hills Engineering for furnace repairs at the Public Works building.

Public Safety Committee

Mr. Rosemeyer reported that he and Chief Cox met to review the sergeant position, vehicle replacement, and leasing versus purchase. New weapons were purchased, with trade-in of the old weapons. The Fire Department had more occurrences this year for the Police Department, with crimes making up a portion of them. He mentioned that there was a recent serious incident to be aware of at the County jail, but offered no details.

The sergeant position was approved by Council and the Civil Service Commission will revise their regulations. Mr. Dirienzo said the next step is for Council to declare the vacancy then ask the Commission to proceed. Mr. Cox asked if there would be a problem with starting to revise and amend a draft, since in the Civil Service regulations there is no mention of a sergeant position. Mr. Dirienzo said they should be officially apprised by Council of the position, and asked to update their regulations so that they are available if and when Council declares the vacancy

Mr. Rosemeyer moved to authorize the Manager to apprise the Civil Service Commission of the creation of the Sergeant position, and ask them to update their regulations in anticipation of future declarations – motion seconded by Mr. Parke.

Unanimously Carried.

Finance Committee

Mr. Rosemeyer commended Mr. Vinzani and Mr. Peters for their work on last year's Budget. With difficult times everywhere in the state, expenses were all within line.

Mr. Walker moved to refer a request for a donation to the Humane Society to the Finance Committee - motion seconded by Mrs. W. Miller.

Unanimously Carried

Solicitor's Report

Mr. Dirienzo said they met with those interested in buying bulk water. They are developing an Agreement for Council's review. This would all come from the Quemahoning pipeline. He mentioned a zoning case that was on appeal. It was decided favorably on December 17, 2010 with a 30-day appeal. With no notice that an appeal was taken, we therefore believe this to be a final decision. Discussion followed about reaping profits from sale of the water, since it would travel through the Borough. Mrs. R. Miller mentioned the loss of taxes, etc. from Fleetwood, and a question to consider is whether we should look at a higher amount than the 100,000 per day.

It was questioned whether we were contacted by the Marcellus Shale Company regarding our land off Route 31; the Solicitor said we had some initial contact but there are complications with this land on which there is a producing well that complicates further leasing. We were contacted eight months ago on a small component of this land and have not heard anything further. The existing well removes a significant amount from subsequent leasing activities.

A suggestion was offered to have our Manager keep a line of communication open so that they know we are still interested. Regarding the bulk water sales during dry seasons or if the water table drops, the Solicitor explained that this water supply is for human consumption as first priority, and any agreement would have to recognize this without question. .

Adjournment

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

Unanimously Carried.

9:10 p.m.

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