

## **Borough of Somerset**

February 28, 2011 – 7:30 p.m.

Meeting of the Somerset Borough Council was held this date, called to order by Ruby Miller, President.

**Present:** Paul Urbain, Ruby Miller, Frank Koval, Hank Parke, Fred Rosemeyer, Scott Walker, Council Members. Benedict G. Vinzani, Jr., Ph.D., Borough Manager; Michele Enos, Assistant to the Manager; Brett Peters, Director of Finance; George Svirsko, Director of Public Works; Tom Reilly, Consulting Engineer; John J. Dirienzo, Jr., Borough Solicitor; Randy Cox, Chief of Police; William Meyer, Mayor.

Meeting opened with recitation of the Pledge to the Flag.

### **Previous Meeting Minutes**

Minutes of the meeting of January 24, 2011 were approved, on motion of Mr. Koval, seconded by Mr. Urbain.

Unanimously Carried.

### **General Public Comments**

David Roth requested a lease of seven parking spaces in the Borough lot across from the Somerset Candy Company. He reported that there are 25 spots - two handicap, and 12 pre-sold to another local business. He said his business is having problems with not enough parking for employees, plus vendors and salespersons are returning to find no parking available.

He suggested having the handicap spaces moved back to their original spot on the east side of the lot. He also asked for a sign stating that the lot is provided for account persons, courtesy of Somerset Candy Company, for a 60 minute period.

Mr. Vinzani explained that Council established the reserve parking program, which designates a certain amount of spaces in each lot. Tonight's issue would be to increase this number so they could use these spaces for any legitimate use previously authorized. Mr. Roth's spots are being taken when they need to leave during the day. Regulations require one handicap space for every 25 spaces.

Discussion ensued regarding handicap spaces being seldom used, and policing the 60-minute time frame. Van spaces are on the east side. They spoke about the dumpster space and best location for placing the snow.

Mr. Rosemeyer moved to approve the seven additional parking spaces. Mr. Roth said he will pay for the signage for some of them in order to have the 60-minute free parking for uptown patrons. It was suggested to try this on a 3-month basis. Certain hours are effective for reserved parking, by ordinance.

Mr. Rosemeyer amended his motion to include the 3-month basis and approve the 7 spaces – motion was seconded by Mr. Parke.

Unanimously Carried.

### **Payment of Bills**

Mr. Koval moved, Mr. Urbain seconded, to pay the following bills/requisitions:

Check Nos. 16992 to 17191

Total Amount: \$389,597.93

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

Unanimously Carried.

### **Peddler's Ordinance**

Mr. Vinzani said he received feedback from several council members, mayor and chief concerning what activities they would like to regulate. Mr. Cox suggested having people post a “no solicitation” sign (with or without an ordinance) to enable the police to deal with any problems through the crimes code. The ordinance needs to be updated but the sign might solve a lot of complaints to the Police Department.

The Mayor reported on fireworks that are placed in the two Sheetz stores each year. It was questioned whether Council can be sure that what they sell is legal – Mr. Meyer said they have a list of what is placed in each store.

### **Residential Sprinkler Systems**

The Manager said this is a recurring item – Mrs. R. Miller said the Builders Association is against this. Mr. Lyons said their position is that they are also not in favor of this law since it will mean extra expense for residents.

Mr. Vinzani said if Council does not want to take a position on what Rep. Metzgar and others are trying to do, this does not need to be an item. Our Building Inspector, as part of the Building Code would enforce this law, strictly under new construction, after the effective date of the law. He explained that the building permit fees recoup cost of the inspections – amounts were increased two years ago. This will continue to be placed as an item for business until Council decides no further action is necessary.

**First Commonwealth Bank/First National Bank**

Regarding the request to submit proposal requests for other banks bidding as our depository, the Finance Committee decided that we are not ready to change banks.

Mr. Rosemeyer moved to state that at this point we are not interested in opening requests for proposals for banking services – seconded by Mr. Koval.

Unanimously Carried.

**Dog Leash Park**

Mr. Parke said the property that Mr. Atchison was hoping to make into a dog park appears to have complications, making it not practical. The School Board may want to keep it because of their cross-country track. They discussed the area, prior use, and he said the suggestion was to take a look at other properties.

Mr. Parke moved to confirm that we no longer are asking the School for the property back, based on the obstacles – motion seconded by Mr. Urbain.

Unanimously Carried.

**Somerset County General Authority's Request for Waterline**

Mr. Vinzani said he received the General Authority's request for a waterline along Route 31 East. He would need authorization to do this only after the Engineer/Administration/Solicitor agree to the terms and conditions that clearly state the responsibilities.

Mr. Parke moved to authorize discussion on the General Authority's request for waterline relocation with the Engineer, Solicitor and Administration – Mr. Vinzani explained this would be to move it away from the road and widen the road. The waterline is under the road therefore relocating it outside of the construction area. It makes sense to do this but not for us to pay. The motion was then seconded by Mr. Walker.

Unanimously Carried.

### **Chief Oil & Gas Request for Seismic Testing on Borough Property**

The Manager explained that another company made this request and we felt there are no advantages to the Borough to participate, since there was no money offered and no reason to allow it to happen to our property.

Mr. Parke moved to send them a letter stating that we received no response from our request to lease property, so we do not see any reason to allow this. Mr. Dirienzo suggested that we say no to their request, but that we would be willing to talk about a lease. They discussed the procedure, possible damages, watershed protection, whether the testing would show gas, and concern about the existing structures.

The seismic testing should tell gas companies how productive it is likely to be to drill on a particular area, therefore seismic testing may benefit us. Mr. Parke withdrew his motion, to seek further discussion.

The Solicitor explained that a normal lease would be a permitted activity - a thing that we agree can be done. If we consider this we need to have the watershed protection issues inserted into the document. They questioned whether the target of the testing would be the Borough's land. Council agreed to ask them to come in next meeting to further explain their intentions.

### **Somerset Hospital Four-way Stop Intersection**

Concerning the four-way stop intersection at Center Avenue and Church Street, Mr. Vinzani said we have the option of doing nothing or forwarding this to PennDOT. It is a State road which would involve their approval. We must declare that we want nothing more than a stop sign, or have the Hospital's commitment to pay. Discussion ensued - Race Street, Church and Edgewood were listed as other dangerous areas. He said PennDOT requires a local municipality to own and maintain the signals after they are installed. At this time they want a stop sign.

They discussed stop signs versus lights; responsibility for maintenance; and Mr. Cox said PennDOT can put any type of traffic control device at any of their highways. If we initiate it, the Borough would be obligated for installation and maintenance. Chief Cox said he will provide the number of accidents for this area.

Mr. Walker moved to have the Chief prepare the numbers and table this until next meeting – at this point a request was made to have the Manager contact Mr. Farrell to explain the options. Motion was then seconded by Mr. Parke.

Unanimously Carried.

### **Enernoc Service Agreement**

Mr. Vinzani said a proposed agreement with this company was discussed with the Solicitor and our sewer plant operator, for operation concerns. Mr. Dirienzo said he discussed this with an Enernoc representative and the sewer plant has come to the attention of this company because the sewer plant has a moderate amount of electricity use and a generator, which is not used much but is a backup.

He explained that this company is trying to help the grid owner of the electric grid for our part of the County to alleviate peaks. This program would get us money over a three-year period but we would have to agree to use our generator when peak uses are declared.

He said curtailment partners say their customers have the ability to cut back a certain amount; lumped together, it is less expensive than building another power plant.

He said there might be something that we have not figured out yet that causes an operational problem. The main objective is to treat sewage, wastewater, and the generator is there as a backup therefore it is now a work-in-progress. This will be tabled for further consideration.

#### **Chamber of Commerce Antique Show - Free Parking**

Mr. Rosemeyer moved to authorize free parking for August 13, 2011 for the Chamber of Commerce – motion seconded by Mr. Parke.

Unanimously Carried.

#### **Daily American Fitness Challenge**

Mr. Urbain reported the following donation recommendations from the Finance Committee: \$500.00 to the Daily American to help the Military Support Group and place the Borough logo on all T-shirts participating in the 5 and 10 K-Walks and Races. For the July 4<sup>th</sup> weekend fireworks: \$1,000.00. To the Humane Society: \$250.00, for a total of \$1,750.00.

Mr. Rosemeyer moved to donate \$500.00 to the Somerset Daily American – motion seconded by Mr. Parke.

Unanimously Carried.

Mr. Urbain said Mr. Vinzani, Mr. Peters and the Finance Committee are working on a form to be completed by whoever asks for money.

Following discussion, Mr. Parke moved to not participate in the fireworks fund this year, motion seconded by Mr. Walker.

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

Mr. Rosemeyer moved to reduce the amount from one thousand to \$500 dollars and still be a part of the whole project, motion seconded by Mr. Koval.

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

Motion Carried, 5-1

Mr. Cox pointed out the benefits of the Humane Society, one organization that actually saves the Borough taxpayer money.

Mr. Parke moved, Mr. Urbain seconded to donate \$250.00 to the Humane Society.

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

Unanimously carried.

#### **PSAB Voting Delegate**

Mr. Parke moved to appoint Paul Urbain as Voting Delegate to the 2011 PSAB Annual Convention – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

#### **PSAB Alternate Voting Delegate**

Mr. Parke moved to appoint Frank Koval as Alternate Delegate to the 2011 PSAB Annual Convention, seconded by Mr. Rosemeyer.

Unanimously Carried.

#### **Manager's Report**

Mr. Vinzani reported that heavy rains required pumping from several manholes. DEP was alerted and a possible corrective action plan is to be discussed with them. A series of four webinars is being disseminated through FEMA and the State Archives Bureau on how to preserve essential records. We

dispose of records once per year according to the Commonwealth's Records Retention & Disposal Guidelines.

### **Public Safety Committee**

Mr. Cox reported that a mandatory Specialized Training Program for officers from different districts is held here every year, consisting of two days of training, one in January and one in February. A copy of police arrests, occurrences and traffic surveys was distributed.

### **Finance Committee**

Mr. Urbain reported all expenditures/revenues coming in at around 8 percent, with no red flags.

### **Shade Tree Committee**

Mrs. R. Miller asked to have the damaged tree at the post office location moved so that the signs can be more visible.

### **Somerset, Inc.**

Mrs. R. Miller said she spoke with Mr. Silka concerning the Fleetwood building. He is working with a buyer, and we may get some money back from this building.

### **Solicitor's Report**

Discussion took place concerning the Borough's current gas lease. Mr. Koval moved to authorize the Solicitor to prepare a declaratory judgment to stop the current gas lease on Borough property. Motion seconded by Mr. Parke.

Unanimously carried.

### **Mayor's Report**

The Mayor commended the citizens' response to a kidnapping incident. Mr. Cox said they put out a special media releases, with description of the vehicle and suspect. They received a number of calls from the community that led officers to the arrest. He emphasized how helpful the citizens were, and it was covered in Channel 6. The Daily American will give attention to the importance of the citizens' involvement as well.

### **Executive Session**

Mr. Walker moved to enter into Executive Session for the purpose of pending litigation – motion seconded by Mr. Parke.

Unanimously Carried.

9:13 p.m.

**Regular Meeting Resumed**

9:23 p.m.

**Adjournment**

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

Unanimously Carried.

9:24 p.m.

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