

Borough of Somerset

April 25, 2011 – 7:45 p.m.

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

Present:

Ruby Miller, Hank Parke, Fred Rosemeyer, Scott Walker, Council Members. Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; Brett Peters, Director of Finance; George Svirsko, Director of Public Works; John J. Dirienzo, Jr., Borough Solicitor; William Meyer, Mayor; Tom Reilly, Consulting Engineer.

Approval of Previous Meeting Minutes

Mr. Walker moved to approve minutes of the March 28, 2011 Council Meeting, motion seconded by Mr. Rosemeyer.

Unanimously Carried.

General Public Comments

Mrs. Sally Deist inquired about her request to have her yard restored from damage incurred during the drainage work done by public works. Mr. Vinzani assured her that this will be completed when the weather is totally suitable.

Payment of Bills

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

Check Numbers: 17353 to 17514

Total Amount: \$280,578.58

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

Unanimously Carried.

Old Business

Peddler's Ordinance

The Solicitor asked if additional discussion is requested or if any action is necessary. Mr. Vinzani said this was thoroughly discussed and a consensus of what was reached to date will then be distributed.

Sprinkler System

Mr. Vinzani said the Governor signed his first legislative bill, a repealer. The system will be required in duplexes and everything except single family residential.

Chief Oil and Gas – Request to Conduct Seismic Testing

Mr. Dirienzo said the Engineer was asked to continue to consult with the hydrogeologist for input on the advisability of drilling and any activity on property primarily held as a watershed. Another hydrogeologist from State College was asked for a quote on cost to obtain this opinion, which was declined. They questioned whether Chief would pay expenses in getting an opinion – the Solicitor said this request is being made in many areas. There are mechanisms by which permission can be obtained but now it's all risk with no reward.

It was suggested to request payment for an independent opinion on whether this would affect our watershed, plus the possibility of receiving payment from Chief. Regarding price of the opinion, the Solicitor said we could not get a number from the State College Company as to what they would charge – they said they prefer that we talk to Mr. Casselberry since he has the records and charts, etc.

A suggestion was to write a letter stating we are interested in leasing; expressing our concern that since the property is in our watershed we need an opinion for which we would like them to reimburse us. Mr. Dirienzo said we still need the study.

Mr. Parke moved to send the letter requesting an independent opinion and have Chief reimburse the costs – motion seconded by Mr. Walker.

Unanimously Carried.

Ordinance No. 1348

The Manager referred to last meeting whereby the Solicitor was authorized to prepare an ordinance regulating on-street parking on a certain portion of East Sanner Street. Instead of street parking on the south side of the street it will be restricted to the north side.

Mr. Walker moved to adopt the following ordinance - motion seconded by Mr. Parke:

ORDINANCE NO. 1348

**AN ORDINANCE REGULATING ON-STREET PARKING ON A CERTAIN PORTION OF
EAST SANNER STREET IN THE BOROUGH OF SOMERSET.**

Unanimously Carried.

Proclamation

Mr. Vinzani said we generally pass a resolution recognizing May 1 through May 7 as Public Service Recognition Week. He read the following:

Whereas, Americans served every single day by public employees of the Federal, State, County and local levels;

Whereas, public employees include teachers, doctors, nurses, safety inspectors, police officers, military personnel, firefighters, laborers, computer technicians, social workers, water/sewer plant operators and countless other occupations;

Whereas, without these public employees at every level, continuity would be impossible in a democracy.

Mr. Meyer then asked why are we recognizing this since all of them are paid to do their jobs. Following further discussion, Mr. Rosemeyer moved to pass the Public Service Recognition Week Proclamation, as read – motion seconded by Mr. Parke.

Unanimously Carried.

Library Board of Directors

Mr. Parke moved to reappoint Mona Herrell, Marsha Dykstra and William Simmons to the Mary S. Biesecker Library Board of Directors – motion seconded by Mr. Walker.

Unanimously Carried.

On-Lot Sewage Enforcement

The Manager reported that there may be a dozen on-lot sewages left that are not on public sewage. One is located near the baseball field and one near Hickory Hill. We need to have periodic inspections. The State has discontinued our reimbursement therefore we are adopting fees that reflect our true costs. Fee rates were sent with the packets. Mr. Parke moved to adopt the new rates. Seconded by Mr. Rosemeyer.

Unanimously Carried.

Mr. Parke moved to designate F. Scott Rugh as Primary Sewage Enforcement Officer. Motion seconded by Mr. Walker.

Unanimously Carried.

Mr. Parke moved, Mr. Rosemeyer seconded to designate Jared Bowers as Alternate Sewage Enforcement Officer.

Unanimously Carried.

Somerset Borough Planning Commission

Mr. Parke moved, Mr. Rosemeyer seconded to accept the resignation of James Knepper, Jr. as a member of our Planning Commission, with a letter of thanks being sent.

Unanimously Carried.

A Letter-of-Interest will be advertised to fill the Planning Commission Board Vacancy.

Somerset American Legion

The Legion requests to reserve parking in front of their building on May 21st for officers that will be arriving for a ceremony.

Mr. Parke moved to reserve two spots in front of the door to the American Legion Building on May 21, 2011 – motion seconded by Mr. Walker.

Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani reported that in addition to the sprinkler system law, DEP is now taking a more stringent look at sewer plants accepting frack water. We are treating the end product of this and DEP disapproves. If the content of it was something we could safely treat, it would be no problem. We would have to get a permit amendment for this and it now appears that DEP wants to discontinue this, effective May 19th. Mrs. Ruby Miller asked about the Mostoller investment on Route 31 East that is designed for frack water.

It was questioned whether an ordinance can be put into effect since we receive no money for our roads that are being used 24 hours daily, 7 days per week with water trucks and tankers traveling through Somerset Borough.

Mr. Vinzani said we had talked about a truck route through the Borough. Mr. Meyer mentioned the Governor introducing a Bill attempting to get some tax from this.

Mr. Rosemeyer reported on the PSAB Conference in Hershey. It is the 100th year of PSAB. One session was taught by our Chief of Police and Officer Borosky concerning Police Crisis Intervention for special needs. Information on all the seminars is available. The conference was well attended, with an excellent program. He noted that his expenses were covered since he is on the Board of Directors from Harrisburg.

President's Report

Mrs. Ruby Miller said a question concerning attendance at conferences is whether Council will pay either for registration if all seven members wish to attend, or if Council would pay a limit of 100 dollars towards any conference. We cannot send 5 people to a conference, which is unnecessary since we have access to all the conference information.

Somerset Trust Company sponsored a meeting focusing on town improvements. They had discussed placing a notice on water bills containing rules on building permits. Some are unaware that permits are needed in order to perform certain work on buildings/houses. Informative letters will be sent to contractors.

Regarding the bill that we owe to the Eagles for use of their electricity when we plugged into their receptacle because of a street light, they have not given us a total amount. Mrs. Ruby Miller asked if the Borough would consider giving them two free parking spaces for a certain number of months in our lot. Mr. Vinzani said the ordinance states that we are required to charge. She then suggested sending a letter to Valarie Mostoller asking for an estimate of what we owe for the street light and obtain a quote on the reservoirs. She said she would like to paint the reservoirs at the prison in consideration for this year's Flight 93 Memorial. They discussed price and Mr. Vinzani described the work – use of good quality paint with proper preparation, and that this is aesthetic only - nothing is structurally wrong. Council should know that this is not budgeted.

Public Works

At the meeting last month they outlined streets needing stripe painting along with parking stalls and curbs. Spring pickup is scheduled for the week of June 6th and was advertised in the newspaper.

Public Safety Committee

At the Executive Board meeting they reviewed the public safety issue. The Hazmat team will become a regional County team. Three assistant chiefs were selected plus chief of the Hazmat team, Pete Barnhart.

The truck at the Somerset Fire Company office will be moved to the airport where all Emergency Management and Hazmat will be located. This means we do not have a Hazmat response coming out of the fire company here, and the Chief had discussed the possibility of developing one of our trucks as partial Hazmat team since there are no first responders from our fire company as a Hazmat team. People from PEMA were at the meeting and this is technically Federal equipment owned by the Federal government, therefore this equipment must go to where it will be stored. Other issue is requesting a possible reduction of rent for the fire company. No money will be received until they are finished paying off the driveway. This will be brought up later, as an official request.

Finance Committee

Mr. Peters presented a report on finances: General Fund: 13% of our revenues are in at 25% of the year but tax monies will begin coming in during April/May. We are below our 25% threshold at this point. Regarding Water Fund revenues, we are on target and expenditures are below our 25% arithmetic threshold. Sewer Fund revenues are at 40% in part because we received our reimbursement from the Hickory Hill Sewer Project from the Township this year. The expenditures are 22.7% therefore all are in good shape.

Concerning the real estate tax market, Mr. Dirienzo explained that every year is a new year for tax assessments. There are only three instances where an assessment can be changed - a countywide re-evaluation and in case of a major change to the property usage. When someone appeals the assessed value based upon market value, appraisers are called in. Municipalities can take appeals if we believe a property is assessed lower than it should be.

He said a draft of donation requests was received for Council's consideration. Mrs. Ruby Miller suggested postponing this to next month.

A discussion ensued concerning renters' utility payments. Mrs. Miller explained that a property owner with renters allows us to bill renters for water. Earlier the property owner paid the bill then recouped it from the renters. Mr. Vinzani said our ordinance holds the property owner responsible but also allows us to bill in the name of the tenant as a courtesy to the landlord. This would improve

our collection rates in the time it takes to collect our money if we would deal strictly with the property owner, which is something to consider.

In notifying landlords, we could work this out with the Director of Finance but we would be looking at possibly a year's time to have the ordinance changed, etc.

Mr. Dirienzo said the landlord remains responsible through the lien process but it is more involved and expensive. The Manager said it does not change the amount we would be owed but probably shorten the period in which we receive it since it removes a step out of the collection process.

Mr. Parke moved to work toward having an owner billing program in place by January, 2012 – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

The Solicitor mentioned that there are existing leases placing tenants as responsible for payment of utility bills as a matter of contract between landlord and tenant.

Shade Tree Commission

It was reported that there are trees that need to be replaced, and another inventory should be done. Mrs. Miller pointed out an area at the post office that obstructs a sign.

Somerset Inc.

Mr. Parke said a visioning session was held, with a follow-up planned for the 4th of May.

Adjournment

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

Unanimously Carried.

8:47 p.m.

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