

Borough of Somerset
July 25, 2011 – 7:30 p.m.

Council meeting was called to order by President Ruby Miller.

Present:

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

Meeting opened with recitation of the Pledge to the Flag.

Commendation Presentation to Officer Joseph Levay

Chief Cox stated that PENNDOT distributes funds to pay for officers' time to run traffic details since certain segments of our Borough roadways have a higher than average accident rate.

The Mayor presented a Certificate of Appreciation to Officer Joseph Levay, in recognition of his valuable contributions to the "Year 2010 PA Aggressive Driving Enforcement and Education Program".

Community Improvement Award

Attorney Marci L. Miller offered background on her recently renovated home to be used as her law office. It was originally built in 1906. Manager Vinzani said Council acknowledges those making improvements to our community, and Mrs. Ruby Miller presented her with a "Community Improvement Award" certificate for her law office located on East Union Street.

Approval of Previous Minutes

Mr. Koval moved, Mr. Rosemeyer seconded to approve the June 27th, 2011 Joint Council / Authority Meeting, with a correction noting that the Mayor was present.

Unanimously Carried.

General Public Comments

Jim Clark expressed his concern about the increasing crime rate in the Borough and vandalism to vacant structures. He asked about the possibility of a “neighborhood watch”.

Council discussed problem areas. Mr. Lyons reported that ISO will be rating the Borough and Township for fire protection insurance for commercial structures. Rates are based on water flow and we are now in Class 4 looking to go to Class 3 which would benefit many businesses in the Township and Borough.

Mr. Svirsko reported that the Fire Department doors are on order and informed Council that a gas line will be installed on the street by the fire station.

Mrs. R. Miller asked for any comments in answer to Mr. Clark’s concerns. Chief Cox explained that they do a reference of all criminal occurrences on a monthly basis, and presented a form indicating the various types of activity. He said there is a 9% increase of occurrences as compared to January-June of 2010.

He pointed out that they are already addressing some of the issues that Mr. Clark mentioned, though not publicizing them. We should possibly look at the “block watch” but the Borough is spending half of the General Fund money on the Police Department. Our calls are coming from primarily a certain type of rental unit.

They discussed the renovation of Village Way and the security camera system. He said he would like to see more officers on streets, and a neighborhood watch type program.

Mr. Rosemeyer questioned where we are with the Sergeant’s positions. Manager Vinzani said he and the Solicitor will review the Sergeant’s position then forward it to the Civil Service Commission for consideration.

Motion

Mr. Rosemeyer moved to add Officer Charles Welsch to the part-time police roster – motion seconded by Mr. Parke.

Unanimously Carried.

In answer to question of filling the duty as Fire Marshall, Chief Cox said we have a Fire Marshall in Somerset County but he is often not available. He mentioned that we do not have the staffing and manpower to devote someone to this area of investigations; the detectives share the load.

Jim Clark expressed his concern about night-time playground activity and the curfew ordinance. Chief Cox reported that they enforce the “dawn to dusk” restrictions in the playground. There were broken light bulbs that have since been replaced but it is

still not a good deterrent. They discussed using a video surveillance from the Police/Fire Department. One of our problems is when people call to report a crime that has occurred the previous night; it doesn't help as much as residents who call when they see something suspicious as it is happening.

Bill Payment

Mr. Parke moved to pay the following bills/requisitions, motion seconded by Mr. Koval:

Checks: #17828 to #18023 Total Amounts: \$384,638.63

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

Unanimously Carried.

Ritco, Inc.

Rick Svonavec is requesting to plant corn on Borough property in Jefferson Township. The Penn State Co-op Extension Office states that tillable land rents for an average of \$35/per acre, with range of 20 to 60 dollars per acre per season, and grass pasture land renting at \$25 per acre. We need assistance in designating how much land might be tillable. A package will be put together for consideration for next year.

New Business

Jeff Silka, Somerset County Economic Development Council, stated that he is requesting annual dues based upon per capita. To date 30 municipalities have responded. Groundbreaking for a new Holiday Inn Express hotel was held. They are working with a rental business to purchase a vacant building in Industrial Park. The County is in the process of creating a Laurel Highland Business Park in Somerset Township.

Motion

Mr. Rosemeyer moved to recommend approving this request for the Borough's annual dues in the amount of \$627.70 – motion seconded by Mr. Urbain.

Unanimously Carried.

Deist Property

Council discussed Borough work done on Sally Deist's property – a storm sewer was installed and the Borough has planted grass seed repeatedly. Mrs. R. Miller suggested sending a letter informing her that this will be the final year that the Borough will replant their yard.

Motion

Mr. Parke moved to discontinue any further planting on the Deist property – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

PENNDOT Agreement

Manager Vinzani reported that he requested a multi-year repayment plan to PENNDOT for costs to relocate a sewer line as part of the North Center Avenue reconstruction project, which PennDot has approved.

Mr. Parke moved to approve this request, motion seconded by Mr. Walker.

Unanimously Carried.

Police Officer Resignation

Mr. Koval moved to remove Officer Jeremy Holderbaum’s name from the part-time Police Roster – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

Mr. Cox asked to have a letter of appreciation sent to Officer Holderbaum for his three years service.

Council discussed the issue of part-time officers leaving for full-time employment elsewhere. Chief Cox reported that three full-time officers were replaced in a 5-year period due to one full-time officer leaving, and two retirements. In the same period 11 part-time officers were replaced. He pointed out that hiring a new officer entails expenses of medical benefits, pensions, training, uniforms, equipment etc. They spoke about the possibility of reinvestigating this issue.

Proposed Water Agreement with Jefferson Township and County of Somerset

The Solicitor said this Agreement came from the County Solicitor based upon the agreement from the Jefferson Township Solicitor in 2009. He said there are five sections that deserve evaluation. He compared the recent version with the 2009 and three features were added. It purports to be an agreement now between and among only Jefferson Township Municipal Authority, Somerset Municipal Authority and the County Authority. The governing bodies, (the County, Jefferson Township Supervisors, and Borough Council) were removed.

Second feature of major change was adding a new paragraph – on Section 5 we labeled “district boundaries” and paragraph 2 states *“the parties agree that both the Borough Authorities and Township Authorities system may be used at the direction of the*

County Authority to extend its system to provide water beyond the above-referenced geographical area". This was not in the first draft and has a major impact.

Mr. Rosemeyer asked if this could affect future growth and the ability to expand. Solicitor Dirienzo explained that it is the County Authority expanding and paragraph 2 reads "*notwithstanding any other term or condition of this agreement, County Authority shall have the right to deliver water through the lines, pipes, meters and all related facilities as described or referred to in this agreement, to customers outside the municipal limits of Jefferson Township without additional considerations payment including but not limited to wheelage, to any other party to this agreement*", which actually turns over our internal system to control of the County Authority.

Other notion is where we only get paid the wheelage used in Jefferson Township. He recommended that we not accept these terms and conditions and now should consider adding the following provisions:

One, our obligations under this agreement to do anything are conditioned upon issuance of a permit to operate this plant by DEP under terms and conditions acceptable to us. Township Supervisors, Borough Council and County Commissioners should be parties to this.

Regarding Council's approval of Option 1 for this water issue, he said the fallback is a direct agreement between Somerset and Jefferson without a County involvement. The water rate we charge the Township is the same rate we charge everyone in the Borough. The problem is that Jefferson has told us that they do not believe they can make their small project fly with those numbers. We currently charge seven dollars per gallon as a capacity charge for the privilege of hooking up the water and water rates we charge are 67 cents per hundred. A provision in our agreement with Somerset Township states "*we will never charge Somerset Township more than we charge other customers*".

If we would quote a lower price to Jefferson Township though justifiable because of the water location and it doesn't involve our system as much, there is justification for a lesser price. We cannot negotiate a lower price with Jefferson and there is a proposed arrangement between Somerset Township and Jefferson Township for a sewer deal but there was a notion that Somerset Township might be prepared to agree to a waiver on the water side if they can make a better deal on the sewer side.

He said that once he has consent with our clients we can meet with the other two parties. He asked that a representative of Council be made available to participate in the meeting, along with Mr. Vinzani, possibly Messrs. Reilly and Critchfield and a member of Council.

Mr. Rosemeyer asked if we can renege on Option 1. We did not commit to do anything except go with this option with the agreement from 2009 and since then new provisions were added and we are not bound by them.

Mr. Rosemeyer said his concern is growth; if the area grows with the Buncher Group and Hidden Valley, etc. he believes it would be unfair to ratepayers of the

Borough. The Solicitor explained that this was not without return to the Borough; it had the 15% add-on.

Mr. Parke moved Mr. Koval seconded to discuss the changes advised by the Solicitor: adding the parties; deletion of two paragraphs; and addition of the two more paragraphs regarding the permit.

Unanimously Carried.

Manager's Report

Manager Vinzani reported on the following:

- He attended a PSAB seminar on secondary effects of natural gas drilling on municipalities;
- Attended a Drought Task Force meeting;
- The Turnpike Commission is replacing their signs throughout the Borough and Township, adding new ones and some needing additional direction;
- We are applying for PENNDOT'S automated Red Light Enforcement Program for replacement signs and crosswalk reflectivity material.

President's Report

Mrs. R. Miller asked about the bridge at 985 over the Turnpike, which is in need of repair. She asked the Manager if inmates could be available to trim the brush from McDonald's Restaurant to the Turnpike.

Public Works

Mr. Koval reported that an air compressor is needed at the Public Works garage. They discussed gas detectors – Mr. Vinzani explained there are two compressors, and they will make certain that it is a safe environment.

Mrs. R. Miller mentioned the fact that as an elected official she is expected to hear complaints and have problems corrected. Manager Vinzani said each issue is evaluated, and that he and his staff are frugal decision makers in evaluating what purchases are not necessarily needed.

Fire Chief Thomas and Jerry Lyons, Somerset Fire Department, were commended for their work with the County-wide Hazmat Team. Chief Thomas reported that FEMA is arriving this week to review lists for equipment. Once the equipment and their certification are taken care of, the Hazmat truck will go to the County facility and be readily available for Hazmat calls.

Public Safety Committee

Concerning the purchase of a vehicle for the police chief:

Mr. Rosemeyer: We talked about the civil service issue. I think the Chief addressed that pretty well. The other issue...we were talking about equipment, is a vehicle. We have a vehicle right now that is in pretty bad shape. The transmission slips and it's just not a feasible vehicle. We do, and as the Chief does, go to state surplus where he and the mayor can pick out some vehicles, that were, I don't want to say half the price, but were much cheaper to get through state surplus. There is one right now pending. It's a 2006 Dodge that has 34,000 miles on it. The price right now is \$6,800.00 and it is still available to replace the Chief's car. That is the car with the transmission slipping and would be a couple thousand dollars just to replace it, a 2001 vehicle.

What I'm asking Council is to take a real good look tonight at giving approval to purchase that state surplus vehicle. Again, it's a 2006 Dodge. It's not brand new or anything like that. We are asking to have that replaced.

Chief Cox: If I could just jump in here. In the interest of full disclosure, I just want to make you understand, my car is due to be replaced next year and I worked diligently to keep the current car on the road and my plan is to keep it on the road through this year. I'm not asking for this car, I'm not even necessarily advocating it. The reason I brought it to the Public Safety Committee because it's money you're not budgeted for this year but money that we would be spending for next year but if you spent it this year the advantage is you're probably going to save, depending on where we get a car next year, anywhere from 2 to 4 thousand dollars you'll save. So, again, it's not budgeted, I realize that. I'm not asking for the car, but it seemed like an opportunity worth considering. If you go with it, that's great. I think we'd save two to four thousand dollars. If you don't go with it, I'll get through this year with what I have.

Ruby Miller: What if the transmission is slipping?

Chief Cox: The transmission could go or last well into next year, or it could go tomorrow.

Ruby Miller: So, you're on this big drug chase and the car just goes "putt"!

Chief Cox: Well, if I'm on this big drug chase, number one, I won't be in that car. Keep in mind, that's why when we buy my car, and the detective's car, we don't buy police packages, we buy used, domestic, manufactured, 6 cylinder engine cars with 4 doors because basically all they are is transportation. I'll respond to scenes in my car but it's not out on patrol. It has lights, siren, and no cages. Lights, sirens, radios, but those things will just be moved in to its replacement. They are not used for, I mean. I just want you to understand, I pride myself on the budgets I bring to you, proposals. I pride myself on how close I come to the budget at the

end of the year. This will, is not one of those things, it's just one of those opportunities that I wanted to make the committee aware of.

Mr. Rosemeyer: I think it's a safety issue too as well as anything. I'd like to make a recommendation that if council would vote on it for that Brett could review the budget to see if the money is available, that we purchase it.

Mr. Walker: I second that motion.

Ruby: It's motioned and seconded that Brett makes sure we can afford \$6,800.00 for a car for the police chief. I have a first and second, all those in favor, aye.

Motion carried unanimously.

Mrs. R. Miller inquired about speed control on Route 31. Chief Cox said the Police Department has been focusing on East Main Street but can shift where necessary.

Finance Committee

Mr. Urbain reported on the meeting of July 15. He reviewed the Financial Statements for June for General, Water and Sewer Revenue funds. No red flags were found.

Somerset Inc.

Mr. Parke said Somerset Inc. recently received a grant to consider best use of uptown historic buildings. Mrs. R. Miller asked if Attorney Marci Miller's recently renovated home can be considered an historical structure. It was stated that Attorney Marci Miller would need to make an application if she wishes to do so.

Mayor's Report

The Mayor reported injuries to two officers that occurred during handcuffing suspects. One will be off 8 weeks and the other off for two weeks.

Mr. Cox said they are making preparations for National Night Out. He commended Messrs Vinzani, Svirsko, Jury and Hauger for their help in assisting him in looking at selecting a portion of property in the Borough.

Adjournment

Mr. Koval moved to adjourn – motion seconded by Mr. Urbain.

Unanimously Carried.

9:25 p.m.

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