

**Borough of Somerset**  
**Council Meeting - August 22, 2011**

7:30 p.m. - Meeting was called to order by President, Ruby Miller.

**Present:**

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

Meeting opened with recitation of the Pledge to the Flag.

**Approval of Minutes**

Minutes of the previous meeting of July 25, 2011 were approved, on motion of Mr. Parke, seconded by Mr. Urbain.

Motion Unanimously Carried.

**General Public Comments**

Mrs. Ruby Miller informed Council that Rep. Carl Metzgar was sent a letter concerning the Area Code situation. Mr. Metzgar stated that northern areas are receiving Area Code 582 under the current decision now being reconsidered. This is our second Hearing, and he said he appreciates Council's support since it is important to retain Area Code 814. He suggested submitting written comments to the PUC.

Gary Thomas, Somerset Fire Chief, reported that parts for the pressure station arrived but they are concerned since the rating on water flow is low and he is unsure if it is working properly. More volume is needed. It was questioned whether any new lines, hydrants, etc. had been added. This will be resubmitted on Borough letterhead along with the consumption amount.

Underground meter safety was discussed. The Solicitor explained that there is no danger involved, but all details can be made available. He said the company is very reputable but the document that they want us to sign asks us to acknowledge that they have no responsibility for selecting this equipment. This raises the question that if they are leasing us the equipment but won't assure us that this is what we need, we may have to refer it to our insurance company.

Dave Williams, 620 Dott Avenue - reported that when the Borough installed pipe through his lawn in year 2006, some of his drains were cut off causing ponding in his yard. He asked to have the Borough restore the damage.

## **Payment of Bills**

Mr. Urbain pointed out that check number 18113 in the amount of \$200 was taken out of the National Night Out account, not Borough funds.

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

Check Nos. 18024 to 18156 - Total Amount: \$234,675.97

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

Motion Unanimously Carried.

## **New Business**

Mr. Urbain moved to change the date for the November Council meeting from Tuesday, November 29<sup>th</sup> to Monday, November 21<sup>st</sup> - motion seconded by Mr. Walker.

Motion Unanimously Carried.

Mr. Walker moved to change the date for the Tuesday, December 27<sup>th</sup> Council meeting to Monday, November 19<sup>th</sup> - motion seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

## **Civil Service Commission**

Mr. Vinzani said the proposed new regulations were sent out to the Civil Service Commission and Borough Council. Mr. Dirienzo said we need to know if there are additional things that should or should not be in the regulations. Part of our collective bargaining process prevents us from creating a residency requirement without bargaining. The new regulations are patterned after a model set with some adjustments, and general principals of the law state that we cannot make a decision and then be adjudicator of whether the decision is correct. A provision provides that the Commission can reject an applicant, but the Commission conducts the Hearing on the rejection issue.

The draft states that the Commission can reject an applicant for not meeting requirements but also states that the Commission holds the Hearing if the rejected applicant requests one.

Therefore if we are going to impart the ability of the Commission to reject applications we need to have a review process other than coming back to the same Commission that already decided to reject. He explained that we are required to have a Borough Police Civil Service Commission because we have a Police Department that is larger than three full-time officers.

The Civil Service would be involved in the examination for applicants to fill the position of Sergeant. If we have a Sergeant and discipline is to be appropriate, the Civil Service Commission becomes the adjudicatory body of the disciplinary process.

The Sergeant's position is in the ordinance but this upgrades the Civil Service to hire them. At this time we consider comments from the Chief, Mayor and Manager for something adoptable by this group by an ordinance amendment. Veterans Preference has been the subject of litigation statewide.

**Resolution**

Mr. Vinzani said there were several changes to the Emergency Management Plan concerning updating addresses, phone numbers, names of officials, etc.

Mr. Walker moved to adopt the following Resolution - motion seconded by Mr. Rosemeyer:

**RESOLUTION NO. 2011-03**

WHEREAS , Section 7503 of the Pennsylvania Emergency Management Services Code, 35 PA C.S., Section 7101 et seq. mandates that Somerset Borough prepare, maintain and keep current an Emergency Operations Plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this Borough, and;

WHEREAS, in response to the mandate stated above, this Borough has prepared an Emergency Operations Plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster, and;

WHEREAS, this Borough has also prepared an Emergency Operations Plan in order to reduce the potential effects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this Borough.

NOW, THEREFORE, we, the undersigned Council of Somerset Borough, do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Somerset Borough. This Plan shall be reviewed every two years to make certain that it conforms to the requirements of the Somerset County Emergency Operations Guideline.

Motion Unanimously Carried.

**Turnpike Commission Waterline Relocation Project**

Mr. Reilly explained that this project is to relocate the Borough's waterlines at the Turnpike entrance area for the new construction. This should be completed before the Turnpike's contractor begins work this Spring.

Five bids were received. They recommend award to the lowest bidder, Turjan Construction Company, Johnstown, at \$386,722.50 which is 100% reimbursable from the Turnpike Commission, an Agreement between the Borough and Turnpike Commission. The Commission and Borough share some permanent rights-of-way; the Borough needs only one temporary right-of-way for our work. We are on a tight schedule since the contractor will need to order materials.

Mr. Rosemeyer moved to award the bid to Turjan Construction Company in the amount of 386,722.50 – motion seconded by Mr. Urbain.

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

Motion Unanimously Carried.

### **Agricultural Use of Borough Land**

Concerning a request for agricultural use of our land, Mr. Dirienzo stated that we do not know how much tillable acreage we own. We will get maps from the Soil Conservation District, along with rental prices. It was questioned whether this could present an opportunity for revenue. In a lease arrangement there might be requirements from the Soil Conservation people as to what would be expected to enhance soils, etc. Council discussed other acreage areas – timber was sold approximately ten years ago. This topic was tabled for the present.

### **PennDOT's Proposal**

Mr. Vinzani spoke on PennDOT's proposal to pay the Borough \$1,300 to acquire a temporary easement on Borough property for their East Main Street Improvement Project, in conjunction with their Bridge Replacement project. We own a pump station where they are proposing to do the work.

Mr. Parke moved, Mr. Walker seconded to enter into this Agreement.

Motion Unanimously Carried.

### **Manager's Report**

Mr. Vinzani reported on the County Drought Task Force meeting. All water suppliers have stable supplies and Somerset County is not currently in a drought watch. First Energy Representatives conducted an energy audit of our Public Safety Building and Public Works Garage. A report will be generated, with recommendations that we might implement to save energy in each of these buildings. East Hills Engineering will send information concerning the furnace replacement projects.

### **President's Report**

Mrs. Ruby Miller congratulated Thomas Reilly on being advanced to the position of Principal at EADS Engineering.

### **Public Works/Equipment Committee**

It was reported that we will be working on repairs to Clover Hill Road, Forrest Road, Columbia Avenue, and West Garrett Street. A sewer relief line will be constructed on W. Union Street. Overlaying will be done next year once the project is complete and the gas company restores its trenches.

## **Public Safety Committee**

Mr. Rosemeyer reported on the Public Safety Committee meeting. He thanked the Chief, Staff and Officers for an excellent job on National Night Out.

Civil Service Policy updates were reviewed. Referring to the "911 Ride", Chief Cox explained the difficulty with traffic – southbound traffic on North Center Avenue could not see that it was closed, but the situation was quickly straightened out. PennDOT was very cooperative, with providing their traffic control trailer. Next year we will be using PennDOT's electronic signboards.

## **Finance Committee**

Mr. Urbain presented a report on the General, Water and Sewer fund revenues. All are in line. Budget meetings have been started.

## **Shade Tree Committee**

Trees are to be replaced before the September 11<sup>th</sup> events.

## **Somerset, Inc.**

Mr. Parke reported on the uptown building renovations. There has been some interest expressed in the newly renovated Brinker Building, with hopes for new businesses.

## **Solicitor's Report**

Mr. Dirienzo spoke about the gas meter equipment used to detect safety issues for people sent into confined spaces. He explained that the company that we are attempting to make a deal with selected the equipment to lease to us, but as part of the leasing document, is disclaiming "a warranty of fitness for a particular purpose". We therefore need to decide whether or not this equipment, at \$224,000 is what we need. Mr. Vinzani said he and Mr. Svirsko met with our Selective Insurance representative. If the company will not remove this language from the contract, we would get a statement from the insurance company that they would continue to insure us with what we are using now. This statement is forthcoming.

Concerning the Jefferson Township issue, Mr. Dirienzo said he received an email from the Jefferson Township Attorney, containing some following statements:

*"We appear to be at an impasse. Somerset Borough doesn't seem to want to agree and quite frankly I can't blame them. Regarding the promise to rely on the County Authority with unlimited use of Somerset Borough lines for future water supply projects, Jefferson will agree because we have to get the water to Bakersville and we do not want to lose our funding.*

*The bottom line is that Jefferson doesn't control Somerset Borough and we cannot force them to agree to unlimited use in the future for other County projects. This hard-line approach by the County is*

*puzzling because without Somerset Borough's past cooperation with the County, the Quemahoning Project would have not been accomplished.*

*I respectfully request that you contact the County to determine that the provision for future use be removed from the contract."*

On question of whether we can deal with just Jefferson and not the County, he said he had urged Attorney Barbin to make separate contact with Somerset Township. There is a provision in our Water Supply Agreement with Somerset Township that we will never charge anyone less than we charge them and our other customers. To make a deal with Jefferson, we have to either charge Jefferson the same that we charge our people and Somerset Township, or if we charge Jefferson less without a waiver of that provision by Somerset Township, we have problems.

He explained that we can legitimately justify charging less as a practical matter to Jefferson Township because of the location of the water and availability, but are prevented from doing this without running the risk of breaching our Agreement with Somerset Township. He said he urged Attorney Barbin to see if he can get Somerset Township to agree to the waiver. It has not been forthcoming yet. We would concur to that and make a deal for water that would be something Jefferson could afford and keep its project viable. We provide copies of the original agreement establishing that we charge them the same as we charge ours, which has been around since 1989.

### **Mayor's Report**

At last meeting two officers were off work, one has returned following three weeks of therapy. The other officer, injured June 7<sup>th</sup> with a tendon tear, may be facing additional surgery. We will need to fill in, costing overtime pay.

Mr. Svirsko reported that the playground restrooms were vandalized. A lengthy discussion ensued; Mrs. Ruby Miller said the Budget Committee is considering placing lights there next year. Mr. Vinzani said we would need to consider the best use of lighting locations and whether it would be beneficial. Mr. Cox explained that officers cannot enforce rules, but only ordinances/laws. He believes lighting would help officers detect if someone is present after dusk, and suggested exploring the possibility of expanding the Fire Department or Police Department video systems. They discussed budgeting options and visibility obstructions after dark.

### **Adjournment**

Mr. Urbain moved to adjourn - motion seconded by Mr. Parke.

Motion Unanimously Carried.  
8:38 p.m.

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