

**Borough of Somerset**  
**Council Meeting – September 26, 2011 – 7:30 p.m.**

Meeting was called to order by Ruby Miller, President, opening with recitation of the Pledge to the Flag.

**Present**

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

**Announcements**

Mrs. R. Miller announced that an Executive Session was held concerning litigation of our DEP Permit appeal.

**Previous Meeting**

Mr. Walker moved to approve minutes of the previous meeting held August 22, 2011 – motion seconded by Mr. Urbain.

Unanimously Carried.

**General Public Comments**

Re: Jefferson Township request for water. Mr. Parke said our Solicitor worked on three proposals. He moved to have Council present all three to Jefferson Township for their acceptance or rejection – motion was seconded by Mr. Walker.

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

Unanimously Carried.

Re: W. Catherine Street Parking Request. Mrs. Peggy Roy asked to have Council move parking on the 300 Block of West Catherine Street to the south side of the street. Mr. Vinzani said changing traffic patterns may require an ordinance, and advised procuring as many signatures as possible from neighbors indicating support of the request so they can know in advance before making any change.

They discussed whether this could affect snow removal, emergency response or other safety concerns. Mrs. Roy said she obtained 11 signatures, with three opposed because of people walking on their grass and speed of cars, however this request was not presented to everyone.

Mr. Cox pointed out that a change might merely bring into practice what the ordinance already states, as opposed to changing the ordinance. Mr. Vinzani said the sequence would be whether Council is satisfied with what is being proposed, or if it is inconsistent with what is already on the books. We can send municipal surveys to each resident.

Mr. Parke moved to send survey cards to residents of the 300 & 400 block of W. Catherine Street regarding this request to permit parking on the south side of West Catherine Street and prohibiting parking on the north side - Mr. Rosemeyer seconded the motion.

Unanimously Carried.

Mr. Lyons, Somerset Fire Department, reported a busy month, with the 911 events and ceremony involvements. He mentioned an incident whereby the top of the ladder truck hit top of the garage door. This is being rectified. Mrs. R. Miller questioned the price on rental of the upper room of the Safety Building – Mr. Lyons replied that charges vary dependent upon the type and size of usage.

A complaint from Mr. Williams, claiming that the Borough cut off drains to his lawn was received previously. Mr. Vinzani said we are in the process of determining whether there was any fault on the Borough's part on his claim. To establish this we videoed the lines, discovered a blockage in his line and also in Mr. Halverson's line. We will continue to pursue this until the exact cause of the line blockage is found, in order to determine if there was any negligence on the Borough's part, in which case we would take steps to correct it.

### **Bill Payment**

Mr. Koval moved to pay the following bills/requisitions – motion seconded by Mr. Urbain: Check nos. 18157 to 18326      Total: \$516,460.24

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

Unanimously Carried.

## **New Business**

Concerning the proposed Agreement with Somerset County on their request to relocate our waterline running along the entrance to their proposed new Industrial Park on Route 31 East, Mr. Vinzani said the proposal was sent to Attorney Dirienzo from Attorney Rullo. Discussions were held with Mr. Wahl on what we require in the way of assurances prior to allowing work to be done on our waterline.

Mr. Jon Wahl explained that the County General Authority is in the process of completing work at Laurel Highlands Business Park, creating the need for a wider road with various turns, which impacts the Borough where the 12-inch waterline enters the storage reservoirs. If they widen the road, the waterline will be under the road instead of under the shoulders. PennDOT will not allow it to be under the road therefore they need to move the waterline off the PennDOT right-of-way onto a 20 foot private right-of-way. Basically the Borough has no cost in the project. We have the Borough's construction details and occupancy permit application. Mr. Wahl said he would like to have this work completed as a change order by Fall. Mr. Vinzani said if we do anything it must be with modifications that we discussed.

Mr. Dirienzo said we added the Authority to the Agreement, to keep all right-of-way issues in both names. This needs to be done properly, promptly and at zero cost to our system. Mrs. W. Miller asked if this could affect our water customers – Mr. Vinzani said we have the right of inspection; it is designed to not affect our customers, and anything that is required is reimbursed under this Agreement.

Mr. Walker moved to approve the request from Somerset County to relocate our water line – motion seconded by Mr. Parke.

Unanimously Carried.

## **Civil Service Commission**

Rules/Regulations - The Solicitor explained that we have a Civil Service ordinance and Civil Service statutory provisions in the state-wide Borough Code. The Borough ordinance created the Police Department, with another one that amended it to include sergeants. He said he provided the following resolution high points for consideration which was reviewed, along with the Chief and Mayor.

He said this is set up as a Resolution to consider and pass that will put the final piece in place, and starts off with Council's conclusion that there is a vacancy and that you are going to hire a sergeant.

Mr. Rosemeyer moved to accept this as noted by the ordinance – Mr. Urbain seconded the motion.

Motion Carried 6-1 (Mrs. W. Miller voted “no”)

**Public Hearing to Vacate Alley – Request by Jack & Ruth O’Baker**

The Manager said to Council that Jack & Ruth O’Baker have a commitment to pay all costs associated with vacating this alley.

Mr. Parke moved to hold the Public Hearing to vacate this alley, on the same date as October’s Council Meeting at 7:30 p.m. – motion seconded by Mr. Urbain.

Unanimously Carried.

**Engineering Agreement**

Mr. Reilly reported that PennDOT will be replacing the bridge on East Main Street. The Borough’s water line will need to be relocated since it will conflict with the bridge; also the sewer line will need to be rehabilitated. Part of this project is a Reimbursement Agreement with PennDOT in which the Borough can apply for 50% reimbursement to remove these utilities.

Discussion ensued - Mrs. W. Miller expressed concern about this work affecting the main route to the prisons; Mr. Rosemeyer asked about emergency vehicles needing access to this route and Mr. Cox asked if they will be responsible for the traffic light at Pleasant Avenue. Mr. Reilly said a traffic control plan was provided and a copy will be given to Council.

Mr. Parke moved to enter into this Engineering Agreement with the EADS Group – motion seconded by Mr. Walker.

Unanimously Carried.

**Resolution/Letter-of-Request**

Mr. Vinzani said this resolution/letter authorizes us to formally request 50% reimbursement from PennDOT for the utility relocation for the East Main Street Bridge Replacement Project.

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

Unanimously Carried.

### **Sidewalk Maintenance Agreement**

Mr. Vinzani explained that as part of the Penn Dot Route 31 E. Main Street Bridge Replacement Project, the municipality is required to be responsible for maintenance of sidewalks.

Mr. Parke moved, Mr. Rosemeyer seconded to approve the Sidewalk Maintenance Agreement in conjunction with the PennDOT East Main Street Bridge Replacement Project.

Unanimously Carried.

**Somerset Flag Committee** - Requesting a donation of \$100. Mr. Urbain said we have approximately \$3,400 left in the Civic Affairs budget.

Mr. Rosemeyer moved to donate \$100 to the Flag Committee – motion seconded by Mr. Urbain.

Motion Carried (5-2)  
(Mrs. W. Miller and Mr.  
Walker voted “no”)

### **Planning Commission Appointment**

Mr. Parke moved to appoint Ted Deskevich to fill the unexpired term of Dana Gehman on the Planning Commission Board - motion seconded by Mr. Rosemeyer.

Unanimously Carried.

### **PENNVEST - Water System Improvements**

Mr. Vinzani said he met with the Engineer and Inspections Officer to consider applying for a water system improvement grant. We select projects that would not require new permits, but need to be done. He said they discussed applying for the State Hospital tank and a loop into the 12-inch line running out Plank Road in order to allow for two alternate routes for water coming from the County's system.

Mr. Rosemeyer moved, Mr. Parke seconded to submit the application for PennVest funding for water system improvements.

Unanimously Carried.

### **Sale of Surplus Equipment**

Mr. Parke moved, Mr. Walker seconded to authorize the bidding of surplus equipment for the 1999 Dodge Dakota and the 1990 Plymouth Voyager.

Unanimously Carried.

### **William Snyder Subdivision**

The Planning Commission recommends approval of William and Terri Snyder's Subdivision Plan, making one lot smaller and the adjoining lot larger, resulting in a conveyance of their property to their neighbors.

Mrs. W. Miller moved to approve the Subdivision Plan of William and Terri Snyder – motion seconded by Mr. Urbain.

Unanimously Carried.

### **Committee, Administration, Special Reports**

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

The Manager reported the following: A Drought Task Force meeting was held since last meeting – all water systems are in stable condition.

The Finance Committee met September 16, 2011.

He and the Director of Public Works attended a Webinar for our annual certification for CDL supervisors training for drug/alcohol abuse, for our CDL Program.

He attended a meeting with the Redevelopment Authority to let banks know that we have applied for funding for a Residential Façade Grant Program for funding in residential areas in South Edgewood and South Center Avenues. Some may be matched by property owners.

He has been in contact with our State Forrester regarding our selective timber cutting in Jefferson Township on property that we own. They will meet to oversee that diseased trees are removed.

Energy audits have been completed for the Public Works and Safety Building. Our Engineering Consultants designing the heating system replacements are completing their studies. We have a new heating system at our apartments and are in the process of developing bid specs for the Public Works garage.

The Exchange Club donated \$600 for our Union Street playground wooden barriers and provided paint for the pavilions and blacktop seal coating.

#### **Engineer's Report**

Mr. Rosemeyer asked about the Knight's Inn right-of-way. Mr. Vinzani said this was placed on hold until we hear what DEP's long-range plan is. In the meantime we were going to use the money in other areas. We are comparing a patch job, as opposed to a whole liner replacement. At this point there is no DEP-issued violation. Work should be completed in July or August.

### **Public Safety Committee**

A discussion ensued concerning a surveillance video combination with the Fire Company, costs, and camera placements. Mr. Cox said he made a recommendation that we consider expanding either the fire department surveillance system or the police department video system into the playground area. Basically they were looking for Council's conceptual support of the idea of a unified system with potential for expansion into other Borough properties including the playground, Public Safety Building and exploring other areas.

The Fire Department will be moving ahead with the system, looking at sharing in cost of a new DVR, replacing our failing DVR and serving the whole system. The cameras would be unique to each of the entities whereas that which is being shared, and prices, would be from the DVR itself. Mr. Lyons said they have four cameras basically in the garage area, and want to expand so see more areas of the building. Mr. Vinzani said they would probably place them in the lobby and Public Works garage. Mr. Lyons suggested having this done as soon as possible because of security concerns. At this point he recommended checking to see what options are available.

Mr. Parke moved, Mr. Rosemeyer seconded to continue to acquire prices to cover surveillance/video cameras where needed and bring this back to Council.

Unanimously Carried.

### **Finance Committee**

Mr. Urbain presented the following financial statement reports:

General Fund: revenues are at 82.6% - expenses, 59.1%.

Water Revenue Fund: revenues approximately 74.5%, expenses 60.1%.

Sewer System Fund: revenues approximately 81.9%, expenses 61.1%. They are presently working on the budget.

### **Shade Tree Committee**

New trees were planted. We are receiving requests for removal of trees and are considering bringing in an expert to examine some trees to determine if permits are justified.

### **Somerset Inc.**

Mr. Parke thanked all those involved in the work that was completed around town in preparation of the September 11<sup>th</sup> events. He also mentioned that the façade grant created a great improvement to the Brinker Building.

### **Solicitor's Report**

Mr. Dirienzo recommended that Council provide a letter-of-understanding after a decision is made concerning the video placements. With maintenance and loss issues, at some point ownership would need to be established and it would need to be insured.

Another matter is our gas meter concern regarding confined space entry. The Agreement does not show as many changes as we would like; they refused to consent to the selection of meters. He set it up to be signed by the Manager. Mr. Vinzani worked with Selective Insurance who examined the equipment that we are about to acquire. We will rely on them and finish the deal.

### **Mayor's Report**

Mr. Meyer reported that one officer is still off work and our insurance company is now sending him to a Pittsburgh specialist. He also mentioned that Officer Chuck Welsh will be sworn in next month.

### **Adjournment**

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

Unanimously Carried -8:50 p.m.

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