

Borough of Somerset
Public Hearing - Council Meeting – October 24, 2011

7:30 p.m. – A Public Hearing was called to order by Council Vice-President, Fred Rosemeyer, opening with recitation of the Pledge to the Flag.

Mr. Vinzani, Borough Manager, stated that a request was received from Jack and Ruth O'Baker to close or cancel the layout of an unnamed alley by 207 Fuller Street, Somerset. Notices were sent to adjoining property owners within 100 feet of the site, and the Hearing was properly advertised.

He asked for questions from the public or concerns from Council members, and explained that Council may recess this meeting and then take action on the request at the regular Borough Council meeting immediately following this Public Hearing. If the majority of Council approves this request then the next step would be to authorize the Solicitor to prepare the paperwork and/or ordinance to allow for such change.

The Public Hearing adjourned at 7:34 p.m.

Borough Council Meeting

Council meeting was called to order the Mr. Rosemeyer.

Present:

Paul Urbain, Frank Koval, Fred Rosemeyer, Wanda Miller, Scott Walker, Council Members. Benedict G. Vinzani, Jr. Borough Manager; Michele Enos, Assistant to the Manager; William Meyer, Mayor; George Svirsko, Director of Public Works; Brett B. Peters, Director of Finance; Jerry Lyons and Gary Thomas, Somerset Fire Department. Sign-in sheet is available on file.

The swearing-in ceremony scheduled for today for Officer Chuck Welsh will be re-scheduled for next month.

Minutes of Previous Meeting

Mr. Koval moved to approve minutes of the previous meeting of September 26, 2011 – motion seconded by Ms. Wanda Miller.

Unanimously Carried.

Opening of Bids

Mr. Vinzani reported that three bids were received for the Plymouth Voyager, with the two highest at the same price, \$350.00. The two bidders were informed of the tie and

advised to fax a revised bid to the Solicitor if they wished to continue the bidding process. Highest bidder is Kelly Gulick, in the amount of \$365.00.

Ms. Wanda Miller moved to award the bid for the 1990 Plymouth Voyager to Kelly Gulick, in the amount of \$365.00 – motion was seconded by Mr. Urbain.

Unanimously Carried.

Highest bid for the 1999 Dodge Dakota was from George Svirsko, at \$501.00.

Mr. Koval moved to award the bid for the 1999 Dodge Dakota to Mr. Svirsko in the amount of \$501.00 – motion seconded by Mr. Walker.

Unanimously Carried.

General Comments

Gary Thomas, Somerset Fire Department, reported that two ladder trucks are being certified, as required each year. Repairs to the Safety Building are forthcoming. Mr. Rosemeyer said he attended the PSAB Conference which provided topics for the Fire Department.

Mr. Thomas said they are working with the Police Department on expanding the camera surveillance system. He suggested placing lighting along the playground area since people are seen here and at the uptown park at all hours.

Ms. Wanda Miller was congratulated on her election as Trustee of the PA State Association of Boroughs.

Administrative Business

Payment of Bills/Requisitions

Mr. Koval moved to pay the following – motion seconded by Ms. W. Miller:

Check Nos. 18327 – 18512	Total: \$722,720.76
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Vote: Mr. Urbain, yes; Mr Koval, yes; Mr. Rosemeyer, yes; Mrs. W. Miller, yes; Mr. Walker, yes.

Unanimously Carried.

Old Business

Re: Parking along the 300-400 block of West Catherine Street, Mr. Vinzani said Peggy Roy presented signatures by residents requesting to have parking moved from the north side to the south side. Surveys were sent to both blocks; results on the 400 block show 14 not in favor of the change. Of the 32 replies concerning the 300 block, 23 were

returned; 17 were not in favor, 6 were in favor therefore the majority in each block are not in favor of changing.

Individual Council Members were consulted – each Council Member present voted to not change the parking.

Unanimously Carried.

Rental Inspection Ordinance

Mr. Vinzani reported that a proposed sample rental inspection ordinance was sent out. He asked Council to review the sample ordinance from Meyersdale Borough which provides our Code Enforcement Officer the ability to perform these inspections. Somerset is different from small communities since we have many rental units, therefore it would be a massive project to implement but a good tool for preservation of our existing housing stock. Council could determine the frequency of inspections, or under which circumstances they would be made.

New Business

Concerning the request of Mr. /Mrs. Jack O'Baker to cancel layout of the alley along Fuller Street, Mr. Vinzani said we need to decide whether to proceed with this request.

Ms. Wanda Miller moved to authorize the Solicitor to prepare the necessary paperwork / ordinance to cancel the layout of this alley – motion seconded by Mr. Urbain.

Motion Carried, 4 – 1 (Mr. Walker abstained)

Resolution No. 2011-07

Mr. Vinzani reported that we are required to pass ordinances each year depositing monies received from the Commonwealth into our pension plans. The following Resolution allocates these funds into our three plans:

Resolution No. 2011-07

WHEREAS, the Borough of Somerset has received a direct deposit from the Commonwealth of Pennsylvania dated September 27, 2011 in the amount of \$268,628.67 representing the Commonwealth's allocation from the General Municipal Pension State Aid Program, and;

WHEREAS, Act 205 of 1984 provides that pension allocations must be deposited in the Municipal Pension Plan within thirty (30) days of receipt by the Municipal Treasurer, and;

WHEREAS, the governing body must determine by Resolution the amount to be distributed into its various plans;

NOW THEREFORE, BE IT RESOLVED, that \$75,717.67 dollars be allocated to the Non-Collective Bargaining Pension Plan; \$64,943.00 be allocated to the Non-Uniformed Collective Bargaining Pension Plan; and \$127,968.00 be allocated to the Police Pension Plan.

Mr. Walker moved to approve the above Resolution No. 2011-07 – motion seconded by Mr. Urbain.

Unanimously Carried.

Resolution No. 2011-08

The Borough is required to determine whether contributions are necessary in order to keep the police pension fund sound. Each year we request our actuary to send us a letter advising us if we are able to consider eliminating the contributions of members of the police pension fund. We are able to eliminate these contributions for this year.

Mr. Walker moved, Ms. W. Miller seconded to adopt the following Resolution:

Resolution No. 2011-08

WHEREAS, Ordinance No. 1144, Section XI relating to the Police Pension Fund states that the monthly contributions for participants may be reduced or eliminated by an annual Resolution if an actuarial study annually indicates that such reductions or elimination for that year will not adversely affect the actuarial soundness of the fund, and;

WHEREAS, a letter dated October 3, 2011 from Mark K. Dunbar Thomas P. Weber, M.A.A.A., E.A., M.S.P.A. Consulting Actuary, Dunbar, Bender & Zapf, Inc., states that “the Borough may eliminate employee contributions in the Police Plan for 2012 . . .

NOW THEREFORE, BE IT RESOLVED, that the five (5) percent contributions from Police Officers for the year 2012 be eliminated.

Unanimously Carried.

Resolution No. 2011-09

The Manager reported that the light on the Turnpike Access Road will be eliminated when their road reconfiguration is started next year. A new light will be located along this road. Penn Dot requires us to apply for a permit to install and operate them.

Mrs. W Miller moved to adopt the following Resolution approving this application - motion seconded by Mr. Walker:

Resolution No. 2011-09

WHEREAS, the Borough of Somerset desires to erect, operate and maintain traffic signals on the Turnpike Road, Marsh Road and Tollgate Road;

WHEREAS, the Vehicle Code requires the approval of the Secretary of Transportation before any traffic signals may be legally erected or reconstructed;

WHEREAS, the Department of Transportation requires an engineering drawing of the location, the firm of TPD will prepare such a drawing in conformance with the instructions provided by the Department;

NOW THEREFORE, BE IT RESOLVED, that traffic signals be erected at the above-mentioned location, subject to the approval of the Secretary of Transportation and that his approval is hereby requested,

BE IT FURTHER RESOLVED, that, in the event a traffic signal permit is approved after proper investigation, the Borough of Somerset will be bound by the following provisions:

The traffic signals shall be installed and maintained in accordance with the Vehicle Code and the Regulations for traffic signs, signals and markings of the Department of Transportation, and;

Should future highway or traffic conditions or legal requirements necessitate alteration of the construction or operation, our hours of operation, or removal of the traffic signals at the above-mentioned location, they shall be altered or removed when and as directed by the Secretary of Transportation.

Unanimously Carried.

Subdivision Request – Homer Gardner

A subdivision request of Homer Gardner was reviewed by the Planning Commission. This is essentially a lot line change, making one lot larger than the adjoining lot, for his property at 953 South Park Avenue.

Mr. Urbain moved to approve the Planning Commission's recommendation for Council to approve the lot line change, motion seconded by Mr. Walker.

Motion Carried (Mr. Koval
abstained)

Scott Benning Request - Alley at 259 E. Fairview Street

Mr. Vinzani explained that this request to cancel layout of an alley at 259 East Fairview Street was not submitted on time. Council receives the request and then considers authorizing the Public Hearing. This can be held at next meeting of November 21, 2011.

Mr. Urbain moved; Ms. W. Miller seconded to hold a public hearing in conjunction with this request at the Council meeting of November 21, 2011.

Unanimously Carried.

Somerset Volunteer Fire Department/Mary S. Biesecker Public Library

Mr. Vinzani said he was last authorized in 2008 to send a letter requesting an itemization of how Borough Real Estate millage given to the Fire Department and the Mary S. Biesecker Public Library is expended, and Council can authorize this same "letter of request", as provided for in Act 8.

Mr. Lyons said there is a difference in this Act in their situation because in our Borough there is a tax millage, unlike other municipalities in which the municipality gives the Fire Department money from their budget.

This referendum was passed; a millage goes to the Fire Department and one goes to the Library. He said they will cooperate with Council and provide a statement of how this money is spent, and explained that they pay back approximately \$18,000 out of the \$55,000 which covers their insurance but not their operating costs or equipment.

The Solicitor said the problem is that the statute does not recognize it as a difference. He said he developed a memo to make the request; it is an element of cooperation that they always have exhibited in the past and will continue in the future. Mr. Thomas elaborated on how Fire Department monies are expended, pointing out that they attempt to buy the best equipment for safety reasons.

Mr. W. Miller moved to authorize the Borough Manager to send the letter to the Fire Department and the Biesecker Library requesting an itemization of how the Borough Real Estate Millage received by them is expended – motion seconded by Mr. Urbain.

Unanimously Carried.

Uptown Diamond Planters

Discussion was held concerning placement of signs located by the planters near the Brinker Building and the triangle at corner of Tayman and Franklin. The Manager suggested either adopting a policy, or that no signs are permitted.

Council unanimously voted not to permit any signs to be placed in the planters on the Uptown Diamond.

The Solicitor pointed out that certain things hold special privilege such as newspaper vending machines. Political signs have a limited time period. We would need to consider whether an ordinance would be required.

Ms. Wanda Miller offered a motion to authorize the Solicitor to review the issue of political signs at various locations within the Borough – motion seconded by Mr. Koval.

Unanimously Carried.

Art DiLoreto

Ms. Wanda Miller moved to accept Mr. Diloreto's resignation from the Zoning Hearing Board and the Uniform Construction Code Appeals Board, and to send a letter of thanks for his years of service. Motion was seconded by Mr. Walker.

Unanimously Carried.

Zoning Hearing Board

Mr. Greg Osikowicz submitted a letter-of-interest for the Zoning Hearing Board appointment. He is a member of the UCC Code Appeals Board.

Mr. Koval moved to appoint Greg Osikowicz to the Zoning Hearing Board to fill the unexpired term of Mr. DiLoreto – motion seconded by Mr. Urbain.

Unanimously Carried.

Committee, Administration, Special Reports

Borough Manager

Mr. Vinzani reports the following:

He toured our Jefferson Township watershed property with the State Forrester for the purpose of selective harvesting. Our timber is not ready to be harvested at this time.

Our Finance Committee met October 6.

He attended a PSAB seminar concerning winter maintenance, along with the Director of Public Works.

He met with the County Drought Task Force on October 11 – all water systems report adequate supplies.

He attended a seminar sponsored by Somerset Trust Company concerning the state of the economy, by Dr. Siefried, Lafayette University. Dr. Siefried gave a positive view of upcoming years 2013 and 2014.

At the monthly meeting of the Safety Committee we showed training videos on Winter Driving Operations. These are shown yearly to our snow plow operators. The video also addressed blood-borne pathogen training.

Bids will be opened November 16th for the new heating system at our public works garage, to be awarded at our November 21st Council meeting.

We reviewed our winter plowing policies and conducted a dry snow plow route for our operators.

Engineers Report

Mr. Reilly said a Planning Consultation meeting was held with DEP and Penn Vest for the tank replacement and line looping in Industrial Park. The project will get a high ranking from Penn Vest and it appears that we may receive a financing offer. The project will probably not receive grant funding but will be a low interest loan award.

Finance Committee

Mr. Urbain presented the finance report:

General Fund: Revenue, 97.7% - Expenses, 68.3%

Water Fund: Revenue 84.4% - Expenses 68.1%

Sewer Fund: Revenue 90.5% - Expenses 72.2%.

He said we are in good shape at this time, with no “red flags” shown.

Mayor's Report

The Mayor reported that half of the Department was at the State Police Range near Pittsburgh last week regarding their firearms training. This week the remaining half will be in training.

Adjournment

Mr. Koval moved to adjourn, motion seconded by Ms. W. Miller.

Unanimously Carried.
8:25 p.m.

Benedict G. Vinzani, Jr.
Borough Manager/Secretary