

BOROUGH OF SOMERSET
Council Meeting – April 23, 2012

Council President Ruby Miller called the meeting to order, 7:00 p.m., opening with recitation of the Pledge of Allegiance to the Flag.

Present

Council Members Judy Pyle, Fred Rosemeyer, Scott Walker, Ruby Miller Mayor, William Meyer, Benedict G. Vinzani, Jr., Borough Manager; Brett B. Peters, Director of Finance; George Svirsko, Director of Public Works; Thomas M. Reilly, consulting engineer; and Jerry Lyons, Somerset Fire Department

(Sign-in sheet is on file)

Approval of Previous Meeting Minutes

Mr. Rosemeyer moved to approve minutes of the March 26, 2012 Joint Meeting, motion seconded by Mr. Walker.

Unanimously Carried.

Year 2012 Paving Bids

Mr. Vinzani stated that paving bids were opened last week. He recommended awarding the bid to New Enterprise Stone and Lime Company (only bid received) in the amount of \$91.60 per ton unit price.

Mr. Walker moved, Mr. Rosemeyer seconded to authorize awarding the Year 2012 Paving Bid to New Enterprise Stone & Lime Company in the amount of \$91.60 per ton unit price.

Unanimously Carried.

Public Comments

Mr. Lyons (Somerset Fire Department) reported that the East Main Street Bridge Replacement Project is about to begin. He said the Assistant Chief attended a meeting with PennDOT and was told that they would now be keeping two lanes open, to alleviate traffic congestion.

Bill Payment

Mr. Walker moved to pay the following bills as printed and read – motion seconded by Mrs. Pyle:

Check Nos: 19468 to 19628 Total Amount: \$539,309.16

Unanimously Carried.

Old Business

Walker Farm Property

Concerning the request of Mr. Svonavec to plant corn on Borough property, Mr. Vinzani said we received prices from the Penn State Extension Office for the going rate in Somerset County for tillable acreage. If Council is interested in doing this, it would be advisable to make it at the going rate in the County with a method to allow us to adjust the rate as necessary. A concern brought up at our last meeting was to have Mr. Svonavec supply all necessary assurances of proof of insurance, naming the Borough as an additional insured on his policy.

Mrs. Pyle questioned fertilizer chemicals – Mr. Vinzani said this was addressed when our Water Plant Operator met with Mr. Svonavec, and fertilizer will not be harmful to our watershed and will actually have a positive effect on our land. The complete area is 125 acres; part is tillable, with a roadway, a compost pile and wooded areas, therefore we could end up with 40 to 60 acres for consideration. He said Mr. Svonavec had asked for five years plus, and we could authorize the Manager and Solicitor to negotiate with him for the best deal. We would ask for provisions to terminate the lease if something would require us to do so. It could be terminated by the Borough at any time based upon situations we would deem necessary, plus we would have the ability to inspect the land.

Motion

Mr. Rosemeyer moved to authorize Manager Vinzani and Solicitor Dirienzo to negotiate with Mr. Svonavec for the best price. Following further discussion regarding the going rate, term of the lease and right to terminate, the motion was worded to include the termination clause, with \$0 for first year, \$40 for the second and third. Motion seconded by Mr. Walker.

Unanimously Carried.

Scott Benning Subdivision Recommendation

Mr. Vinzani explained that a normal subdivision consists of dividing one lot and making it two; this is two lots being combined into one that still requires our Planning Commission to review and recommend approval to Council. This has been done. We need to reject or accept our Planning Commission's recommendation to approve this subdivision. Mrs. Miller confirmed that Mr. Benning's dwelling is on one side, his garage is on the other lot and his purpose is to combine the properties, making it one lot. Everything is prepared to make it a single parcel.

Motion

Mrs. Pyle moved to approve the Planning Commission's recommendation for Scott Benning's subdivision request. (Mr. Vinzani said the subdivision becomes one deed when filed with the County) – Motion then seconded by Mr. Walker.

Unanimously Carried.

Somerset Volunteer Fire Department

The Manager reported that he and Mr. Lyons and Mrs. R. Miller discussed the cracked concrete inside the Fire Hall. The Department has offered to pay cost of the repair then has asked

for rent forgiveness for the equal amount of the price, and also offered to have us choose the funding years for which to take the rent elimination.

He said he discussed with the Director of Finance about making the decision towards end of the budget year, but could elect to do some this year, some next year, etc. By end of the week he will have a scope of work from the EADS Group for work that needs to be done and it will be presented to the Department, for quotations. A rough cost estimate is \$20,000.

Motion

Mr. Rosemeyer moved to approve the request and look at bidding - Mr. Vinzani explained that this would not be officially bidding since the Department is doing all the work for getting the quotes and the work is done by an appropriate firm, therefore it would not be a Borough project but a Department project – they would pay for it and we would forgive an equal amount of rent.

Motion is re-worded to “authorize the scope of work to be done this Friday, and we will provide anything of technical assistance that the Department needs” - seconded by Mr. Walker.

Unanimously Carried.

A discussion ensued regarding the upcoming bridge repair project, questioning how the work would be performed and expressing concern for emergency response vehicles. Windmills will be coming into the County which might affect traffic. Mr. Vinzani explained that we have the routes, starting out at the railroad yards in the Township. A meeting with the Police Chief is being arranged regarding reimbursement for traffic control and other particulars. He said we should be aware that it might involve us at some point.

Flood Plain Ordinance Amendments

Mr. Vinzani said a letter was received from FEMA on the required flood plain amendments, and sent to each municipality in the County, showing a county-wide review and revision to our flood insurance maps. He asked for consideration to prepare and authorize the necessary ordinance amendments for our flood plain ordinance, in order to be in compliance. Due date is September 2012 giving us a chance to start early.

Motion

Mr. Walker moved to authorize preparation for steps to be taken and advertisement of the necessary ordinance amendments.

Mrs. Pyle asked if this would change the flood plain areas – Mr. Vinzani replied that it actually shrinks the area (in some sections) that could be affected by floods. This program makes municipalities eligible for flood insurance. They consider areas that have been flooded during the past 10 years, then either keep the area or reduce or enlarge it.

The Motion was then seconded by Mrs. Pyle.

Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani reported the following:

- We are working with Waste Management on sponsoring Clean-up Days – details will become available before next meeting.
- They met regarding the East Main Street Bridge Replacement Project. In addition, the Turnpike will be beginning their project. There may be delays on Laurel Crest Road and Water Works Road during the process.
- The Drought Task Force Meeting Committee met. All water source systems report adequate supplies. At this time we are at a quarter inch over normal precipitation.

President's Report

Mrs. Ruby Miller announced that the Somerset County Boroughs Association meeting will be held May 17, 6:30 p.m. and asked that notification be given to Mr. Vinzani or Mr. Peters by the 10th. She thanked the Mayor, Chief, and Manager, Police Officers, State Police and Borough people for their cooperation in the recent Fuller Street incident.

Public Works

Mr. Walker reported that the Public Works Department is looking at spring projects. They checked with local businesses and State Federal Surplus funding. Council authorized purchase of a pickup truck and dump truck at last meeting. They will continue to check State and Federal surplus and local businesses for purchase of the pickup truck. The current truck is inspected to October.

They are making efforts to replace planters in the Uptown Central Business District, donated by the Garden Club. Mrs. Pyle will organize an uptown beautification effort with spring planting.

Mr. Vinzani said they had discussed our CDBG funds being used for Code Enforcement demolition. Mrs. Pyle was able to get information regarding a setup created specifically to finance these types of issues. This essentially created a 501 C-3 Corporation to act as a foundation for donated money, administered by a Board of Directors.

Public Safety Committee

Mr. Rosemeyer reported that the Police Department officers are on the range at this time. Concerning the situation with the dogs, he said the police did an excellent job working with everyone on the situation with the dog complaint, and he would like to see Council send a letter of thanks to the Humane Society.

Finance Committee

Mr. Peters presented the following report:

- We received 10.12% of our revenue in the General Fund. The Real Estate tax money started coming in April/May and we spent 21.16% of our General Fund budget through 25% of the year.
- Water Revenue Fund revenues were 22.91% - expenses, 24.56%.
- Sewer System Fund revenues – we collected 23.32% of our budgeted revenues, and spent 22.27% of our budget.

Somerset Inc.

Mrs. Pyle reported on the meeting with Somerset Inc. They acquired Alexis Park and will be doing renovations. A problem here is dog feces – they discussed placing a garbage can with baggies and having signs posted. The ordinance is difficult to enforce; we can't be made aware of the problem if we do not receive a call. There will be a fund raiser dinner in the park this summer, with a large portion of the money donated to Somerset Inc. to build up their funds.

Mayor's Report

The Mayor reported that the other half of the police force will be out next Monday and Tuesday for their Annual Firearms Qualifications training. The State requires this yearly, and we do it twice each year.

He referred to a letter distributed from a person claiming to have been racially profiled in getting a speeding ticket. He said the claim stated that Officer Deist clocked him at 48mph in a 35 mph zone, and that the person was in a 40 mph zone. Speed limit was 40 mph when he was pulled over but he was clocked going down the 35 mph West Main Street hill. The Chief will send a letter.

Mr. Rosemeyer asked about the State Mandate concerning our stop signs. Mr. Vinzani explained that this requirement was an unfunded mandate and has been pulled. We now replace signs as needed. We need to have a plan to replace defective signs. The condition inventory is first, basing it on the reflectivity of the signs at night.

Fuller Street

Several residents from Fuller Street were present concerning an animal problem at a neighbor's residence. Mr. Ron Miller and Mr. Peter Gogolesky asked about the next step in cleaning up this property. Mr. Vinzani explained that this was discussed with our Solicitor, and charges are pending. We have gathered evidence, are dealing with the facts, and will proceed with appropriate Code Enforcement. Mr. Gogolesky said parvo infections were identified - a huge health concern. Mr. Vinzani said this issue (removal of animals from abusive situations) is with the Humane Society and beyond the jurisdiction of Code Enforcement. We become involved when there is a Code Enforcement issue; the number of dogs above four is considered a kennel. We are basically involved because of the Code Enforcement. Residents will be kept informed.

Discussion ensued regarding neighbors' observations at the residence such as the number of animals recently removed, flea infestation, litter being washed down storm drains (for which

charges were filed), flea infestation, and piping system water discharge onto Fuller Street. Mr. Rosemeyer asked to have the Department of Health notified of the school issue. Mrs. R. Miller said that as a member of Humane Society Board, she will inform them of the proper disposal of contaminated water and litter. Mr. Vinzani explained that while a structure may not violate any building codes, the inside house conditions may be such that a Certificate of Occupancy may be revoked.

Motion

Mr. Rosemeyer asked to have Council work directly with the Department of Health on this issue – motion seconded by Mrs. Pyle.

Unanimously Carried.

Adjournment

Mrs. Pyle moved to adjourn, motion seconded by Mr. Rosemeyer.

Unanimously Carried.

8:03 p.m.

Benedict G. Vinzani, Jr.
Borough Manager/Secretary