

Somerset Borough Council
7:00 P.M. – October 22, 2012

Meeting was called to order by Council President Ruby Miller, opening with recitation of the Pledge to the Flag. (Sign-in sheet is available on file).

Present: Paul Urbain, Ruby Miller, Judy Pyle, Scott Walker, (Council Members). Also present were Borough Manager Benedict G. Vinzani, Jr.; Director of Finance Brett Peters; Director of Public Works George Svirsko; and Consulting Engineering Tomas Reilly.

The following items were discussed without a quorum of Borough Council present: (Councilmember Urbain arrived later in the meeting).

General Public Comments.

Jerry Lyons, Somerset Fire Department

Mr. Lyons reported that there were 15 fire alarms and 2 structure fires within the last 7 days.

Their new truck is expected to be delivered by next May.

Harold Knupp

Concerning Edgewood Grove, Mr. Knupp said he sold part of the Grove to Mr. Woy several years ago. They always had a combined water system running through the master meter. He said his water was separated from the Grove when Mr. Woy sold his share of the Grove to another company.

He said he requested a tap off South Park Avenue and when he met with Messrs. Glessner and Jury they said he would need to pay for only the water tap, then later told him he would need to install a master meter in case of a water leak.

He explained that his complete water system was upgraded to Borough standards. After he installed the first master meter he was told that he lost 27,000 gallons of water and received a bill for \$429.66. Next bill showed a loss of 10,300 gallons. His new meter showed no leakage; he asked for an explanation.

Allan Woy

Mr. Woy said he and Mr. Knupp asked about meeting to discuss this and were told that eventually they will be reading their own meters. The Solicitor informed them that a meeting is scheduled for the following morning to develop a

procedure for disengagement from reading all the small meters. Master metering is preferred and expected, as a legal evaluation of the situation. At this time the only question is disengaging and developing a workable way of doing this, which he expects to be done as an administrative matter by beginning of next year.

In answer to further questioning he said a meeting should be arranged to address these issues, and reiterated that details will be discussed at tomorrow's scheduled meeting. Individual meters beyond the master meter have become a burden and it is a matter to be implemented by the administration.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani reported that our annual meeting with our insurance broker, (the Mosholder Agency), was held. They are looking at brokering our insurances.

Our Safety Committee meeting was held, and we will be reviewing our annual winter maintenance training with our Public Works snow plow drivers.

He and Mr. Svirsko received their CDL Supervisors "Reasonable Suspicion" training for drug/alcohol use, for those who supervise CDL employees.

The Finance Committee met October 19th and is in the process of preparing our 2013 Budgets.

Christmas decorations will be installed November 4th at 7:00 a.m. beginning with breakfast at our Public Safety Building.

"Light-up Night" is scheduled for November 17th.

He pointed out the Snow Removal Policies that were distributed at each seat, adopted two years ago and recommended reviewing them before winter weather, in order to be aware of our responsibilities. These policies will also be published in the newspaper.

Upcoming meetings were mentioned; Mr. Vinzani pointed out that webinars are available for those unable to attend the October 29th meeting, for Borough Code updates, etc.

Mrs. Ruby Miller reminded all that the voting poll is changing to the Grace United Methodist Church on Felgar Road.

Public Works and Equipment Committee

Mr. Walker reported that the Public Works Department is checking the Christmas lights and cleaning catch basins in Brierwood and Fuller Street. They are repairing an antique street light on North Center Avenue. They repaired the concrete curbing along the parking lot at Patriot Street and Edgewood Avenue. They painted the line designating lanes at Rosina between Main Street and Patriot Street, eliminating the confusion at Sheetz. They completed dredging Coxes Creek, completed pothole patching, painted the fire hydrants, and are checking sanitary sewers near the jail. Storm water projects are started along Cherry Lane and Crestview Drive; sign posts were painted at the Eagles Parking Lot and a water tap was made for Woy Plumbing.

(Council member Urbain arrives – quorum established)

Finance Committee

Mr. Urbain offered the following Finance Committee Report for September:

General Fund Revenues: 94.51%; expenses: 68.4%

Water Fund Revenues: 75.65%; expenses: 89.28%

Sewer Fund Revenues: 72.06%; expenses: 72.34%

Somerset Inc.

Mrs. Pyle said she attended the Somerset Inc. meeting. Upcoming events were reviewed, such as the Fire & Ice Festival, etc.

Approval of Previous Meeting Minutes

Mr. Walker moved, Mrs. Pyle seconded to approve minutes of the previous meeting of September 24, 2012.

Unanimously Carried.

Administrative Business

Payment of Bills

Mr. Walker moved to approve payment of the following bills/requisitions - motion seconded by Mr. Urbain:

Check Numbers: 20543 to 20714 Total Amount: \$652,799.01

Unanimously Carried.

New Business

Solicitor's Report

Regarding the Unit Debt Act Ordinance, Solicitor Dirienzo explained that the Industrial Park Water Loop Project involves construction at the former State Hospital storage tanks. Current budget for the project is \$1,950,000. PennVest has agreed to grant a loan for this amount.

The plan is as follows: the money will be loaned to the Municipal Authority and the Borough will implement the construction project. Bids are in, and are at or below projections of cost.

Although it is a loan payable to PennVest by the Municipal Authority and the Authority is not subject to the Unit Debt Act limitations in PA law, the PennVest loan condition requires the Borough to guarantee the Authority's note and pledge full paid credit and taxing power.

The procedure, an ordinance under the Unit Debt Act, authorizes the Borough to guarantee the loan with payback over a 20-year period. It is believed to be up to a three-month period for interest only during construction.

The Unit Debt Act procedures require the passing of an ordinance before the meeting. After the Borough acts on the ordinance a second ad would be placed in the newspaper stating that we adopted the ordinance. The ordinance then authorizes the Borough's guarantee of the Authority's obligation to PennVest under these terms and conditions, with a 20-year payback.

He explained that the payback will be through water system revenues and under the Unit Debt Act - a procedure for qualifying the debt as "self liquidating". This requires an engineering certificate. Once the certification is filed the debt becomes excluded from the Borough's borrowing limitations.

Mr. Peters reported the water bonds are essentially paid off; Mr. Vinzani said we will be ending one as another begins, though less than the one we are now paying.

Motion

Mr. Walker moved, Mr. Urbain seconded to adopt the Unit Debt Act Ordinance for PennVest borrowing.

Unanimously Carried.

Rank of Sergeants

Mr. Vinzani said this was discussed at last meeting and we now need to certify that vacancy/vacancies exist in this rank. We added the rank of sergeant to our existing police department structure and amended our Civil Service regulations to allow for the same. At this point Council may proceed with the certification of vacancy /vacancies, and the Commission arranges for testing.

Mr. Dirienzo said the Police Department ordinance was amended since there were only two ranks, patrolman and chief. First step in this process was to create an interim rank called “sergeant”. To fill this position, a promotion is to be done under the Civil Service regulations, requiring development of a Civil Service test for those wishing to be promoted to this rank.

Mrs. Pyle asked about the Officers in Charge – the Solicitor explained that when the Police Department consisted of a patrolman and a chief, a mechanism was developed so that an on-duty patrolman was designated “Officer in Charge” in absence of the Chief for that shift. This was never authorized by ordinance. Those now considered to be OIC’s would need to take the exam in order to become a Sergeant.

When the ordinance is amended to create this position within the Department, it must be declared by Borough Council and directed to the Civil Service Commission who conducts examinations for the applicants. The vacancy is then filled by Council through a hiring process.

Mr. Vinzani explained that sergeants can and may have their own rate as may be determined by the collective bargaining process. Mr. Dirienzo said action at this time is to officially declare that you want to fill at least one vacancy in the Department with the rank of Sergeant until such time as the process is clarified.

Based upon Council’s declaration that there is a vacancy for the position of sergeant, the Civil Service Commission will conduct exams and receive applications, administer the exam, and develop a list for Council. Mr. Vinzani said there is a set of criteria of continuing years of service, etc. that we established last year for those taking the test.

Motion

Mr. Walker moved to declare a singular vacancy for the rank of Sergeant - motion seconded by Mr. Urbain.

Unanimously Carried.

Police Pension Plan Resolution

Mr. Vinzani explained that we receive an annual actuarial evaluation of our Police Pension Plan, to determine if member contributions can be waived for the successive year. The letter received from our actuary dated September 26th 2012 indicated such waiver can be made. Resolution Number 2012-5 permits us to eliminate the 5% contributions from police officers for year 2013.

Motion

Mr. Urbain moved, Mr. Walker seconded to adopt the following Resolution:

RESOLUTION NO. 2012-05
**ELIMINATING MEMBER CONTRIBUTIONS
TO THE POLICE PENSION PLAN FOR YEAR 2013**

Unanimously Carried.

State Pension Resolution

Mr. Vinzani reported that we receive Foreign Fire Casualty funds from the Commonwealth each year to be distributed to municipalities having pension funds, to help keep the funds sound. These funds are deposited proportionately into each of our three funds based on the actuarial need of each fund.

Motion

Mr. Walker moved, Mr. Urbain seconded to adopt the following Resolution:

RESOLUTION NO. 2012-06
**AUTHORIZING THE DEPOSIT OF STATE PENSION MONIES
INTO OUR PENSION FUND**

Unanimously Carried.

Community Video Project

The Manager informed Council that we have been approached by the company that did our previous video on our website. They are offering to do this again at no charge to the Borough, expanding and adding additional features.

He said we will do PR on this so residents will know if approached by this company on our behalf, that it is an official Borough-sponsored project, keeping our current community video up-to-date.

Motion

Mr. Urbain moved, Mrs. Pyle seconded to authorize proceeding with the updated Community Video Project.

Unanimously Carried.

Mutual Aid Agreement

Mr. Vinzani reported that a letter was received from our District Attorney referring to a Mutual Aid Agreement and proposed Ordinance that she distributed to municipalities having Police Departments and to the County Detectives.

Mr. Dirienzo said he spoke with Police Chief Cox and asked if Council wishes to continue with this concept. The Borough has been part of a previous Mutual Aid Agreement since 1974. The new Agreement basically means that under certain circumstances your Police Department can be anywhere in the County. It needs some adjustment to emphasize immunities that the police should have when working outside of our jurisdiction. He said the employer is the County, not the Detective Bureau and it is not known if the County would be a party to this Agreement. Mrs. Ruby Miller said the District Attorney will discuss this at the County Banquet in November.

Mr. Dirienzo pointed out that the first sentence of the District Attorney's letter states "the shifting residential patterns and increasing number of problems tend to obliterate the municipal boundaries in the enforcement of laws in the Commonwealth". While this is probably true, the problem is that even though these boundaries are obliterated, the cost has not been taken into account and since we have essentially the largest Municipal Department in the County, it can be expected that the flow will be from the Borough out rather than from someone in, and this would continue here. Perhaps the distinction of when someone can be sent out needs a bit of tweaking – probably the Chief or Sergeant has the final say as to whether they respond or not. He said they prefer to have their patrolmen working in pairs.

Council agreed that this should be tabled until next meeting.

Adjournment

Mr. Walker moved to adjourn – motion seconded by Mrs. Ruby Miller.

Unanimously Carried
8:00 p.m.

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