

Somerset Borough Council
7:00 P.M. – December 17, 2012

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

Present: William Meyer, Mayor; Paul Urbain, Ruby Miller, Judy Pyle, Fred Rosemeyer, and Scott Walker, Members of Council.

Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; Randy Cox, Chief of Police, Brett Peters, Director of Finance; John J. Dirienzo, Jr., Borough Solicitor; Tom Reilly, Consulting Engineer.

Approval of Previous Meeting Minutes

Mr. Walker moved, Mr. Urbain seconded to approve Borough Council's portion of the minutes of the November 19, 2012 joint meeting with the Municipal Authority of the Borough of Somerset.

Unanimously Carried.

Opening of Bids

The Manager said our chemical bids were submitted recommends that the bids be awarded to the lowest responsive bidder, as follows:

Aluminum Sulfate – 50 lb. bag, to Univar, USA: \$11.575
Chlorine – 1-ton cylinder, to Sal Chemical in the amount of \$594.00
Chlorine, 150 lb. to Sal Chemical: \$56.25
Corrosion & Scale Inhibitor – to Shannon Chemical: \$6.77
Lime – 50 lb. bag to Univar, USA: \$9.05
Potassium Permanganate – to Univar, USA: \$4.05 (with notation that
Biosafe Solutions and AIC also bid but did not meet specifications)
Sodium Bicarbonate – 50 lb. bag to Univar, USA: \$12.65
Sodium Fluoride – 50-lb. bag to Univar, USA: \$39.80

Mr. Rosemeyer moved, Mrs. Pyle seconded to accept the chemical bids as read.

Unanimously Carried.

Dewatered Sludge Removal for Year 2013

One bid was received from Interstate Waste Management in the amount of \$575.00 per dumpster at the Wastewater Treatment plant and \$575.00 per dumpster at the Water Filtration plant. In answer to question on trucking the wastewater to SCI Laurel Highlands, Mr. Vinzani explained that we are required to dispose of sludge according to the County Solid Waste Management Plant at landfills that are part of the County's plan.

Mr. Urbain moved, Mr. Walker seconded to award the bid for dewatered sludge removal to Interstate Waste Management, as presented.

Unanimously Carried.

Sale of Surplus Equipment

Unit W

Mr. Walker moved, Mrs. Pyle seconded to award the bid for the 1994 GMC Pickup Truck with plow, (Unit W), to highest bidder, Roger Hay, Somerset, PA, in the amount of \$1,650.00.

Unanimously Carried.

Unit X

Mr. Urbain moved, Mrs. Pyle seconded to award the bid for the 1994 GMC Pickup Truck (Unit X) to Roger Hay, Somerset, PA, in the amount of \$950.00.

Unanimously Carried.

Unit 1

Mr. Walker moved, Mr. Rosemeyer seconded to award the bid for the 1988 Custom Bucket Truck, (Unit 1) to Hemminger Auto & Truck Parts in the amount of \$1,815.00.

Unanimously Carried.

Payment of Bills

Mr. Walker moved, Mr. Urbain seconded to pay the following bills:

Check Nos. 20874 to 21041

Total Amount: \$298,083.88

Unanimously Carried.

Old Business

Police Mutual Aid Agreement

The Solicitor reported that he received comments from the Chief of Police and District Attorney (D.A.) regarding this Agreement. He said we are already subject to an agreement that accomplishes the same deal and this one amplifies it.

Each municipality will need to appoint a Chief of Police. Borough Code states that the Mayor is in charge of the Police Department and this is how we would handle it. He said he believes the D.A. is planning on having one advertisement to cover all participating municipalities. Mrs. Ruby Miller asked about the deadline for our ad – Mr. Dirienzo said it should probably be advertised by summary as the Borough Code allows.

Chief Cox said the key to how much time we spend assisting other agencies (whether in Somerset Borough or outside) depends upon the internal controls, which are shown to be effective. He said he does not see any great changes, barring any significant increase in serious criminal activity in Somerset County.

A motion was offered to recommend that we support the Police Mutual Aid Agreement as written – the Solicitor said you cannot include the County detectives because other significant adjustments need to be made, such as inclusion of immunities (the old one includes it, the new one does not, with no reason offered). The Agreement must be approved by adopting the Ordinance.

The motion was withdrawn.

Mrs. Pyle asked to have this information distributed so that they can offer a clear explanation to those that they represent. The Chief said this will be distributed to all Council Members. He pointed out that with 43,661 incidents, he does not have the ability at this time to know how often another agency assisted us, and the only agency that we receive assistance from is Pennsylvania State Police.

Rules of criminal procedure identify sheriffs as a police officer for purposes of executing a warrant. They have come into Somerset occasionally and asked for Borough assistance. He said that the Constable is basically an officer of the court with limited arrest power, similar to the sheriff; however tradition in Somerset County is to not use them to filter the work going to Constables to police agencies in the County, since it saves the County money.

Year 2013 Budgets

Mr. Vinzani said a motion is needed to adopt final budgets for the year 2013, as tentatively adopted at last month's meeting, with no changes.

Mr. Urbain moved, Mrs. Pyle seconded to adopt the final Budget for Year 2013, as presented.

Unanimously Carried.

The Manager and Director of Finance were thanked for the excellent job of moving us forward.

New Business

Tax Rate Ordinance

Mr. Vinzani explained that we re-enact a Tax Ordinance as part of the Budget Process, setting the assessed valuation on real estate for the upcoming year, remaining the same for year 2013.

Mr. Urbain moved, Mr. Walker seconded to adopt the Tax Rate Ordinance for Year 2013.

ORDINANCE NO. 1355

An Ordinance of the Borough of Somerset, County of Somerset, Commonwealth of PA, fixing the Tax Rate for Year 2013.

Unanimously Carried.

Act 511 Taxes

Mrs. Pyle moved to re-enact the Act 511 Taxes at one-half percent; Real Estate Transfer Tax, one-half percent; Local Services Tax, \$47.00; and Mercantile Business Privilege Tax at one-half mill, which all remain the same. Motion was seconded by Mr. Walker.

Unanimously Carried.

Sewer Rate Ordinance

Mr. Vinzani reported that this Ordinance was advertised, raising these rates by 3 cents per hundred gallons of water used, thus totaling 93 cents for every 100 gallons of water used.

Mr. Walker moved, Mr. Urbain seconded to accept adoption of the adjusted Sewage Rate Ordinance for Year 2013.

ORDINANCE No. 1356

AN ORDINANCE OF THE BOROUGH OF SOMERSET AMENDING THE ORDINANCE ESTABLISHING
THE RATES TO BE COLLECTED FROM CUSTOMERS OF THE SOMERSET BOROUGH SANITARY
SEWAGE SYSTEM

Unanimously Carried.

Resolution No. 2012-08

The Manager said a copy of this resolution has been distributed, concerning a Transportation Enhancement Project grant to purchase necessary materials.

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

**RESOLUTION NO. 2012-08
UPTOWN STREET ENHANCEMENT PROJECT**

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SOMERSET AUTHORIZING THE BOROUGH MANAGER OR BOROUGH SECRETARY TO WITNESS/ATTEST THE "FEDERAL AID PROJECT AGREEMENT" (A.K.A. REIMBURSEMENT AGREEMENT) AND/OR ANY OTHER DOCUMENTS RELATING TO THE UPTOWN SOMERSET STREET ENHANCEMENT PROJECT ON BEHALF OF THE APPLICANT.

WHEREAS, the Borough of Somerset ("Applicant") desires to undertake the Uptown Street Enhancement Project to include: Antique Street Light Banners, Flower Planters and Trash Receptacles, hereinafter known as the "Project" and;

WHEREAS, the application package includes a document entitled "Federal Aid Reimbursement Agreement", hereinafter known as the "Agreement" and;

WHEREAS, the Applicant understands that by executing and submitting the Agreement to the Department, the Applicant agrees to the terms and conditions of the Agreement and will be bound by the Agreement;

NOW THEREFORE, BE IT RESOLVED that:

1. The official with the title of President of Council is authorized to sign and the official with the title of Borough Manager or Borough Secretary is to witness/attest the Agreement and/or any other documents related to the Project on behalf of the Applicant.

2. If the officials signed and witnessed/attested the Agreement prior to the passage of this Resolution, this grant of authority applies retroactively to the date of the signing and witnessing/attesting.

Unanimously Carried.

Appointments to Boards and Commissions (for those whose terms are expiring)

Mr. Walker moved, Mr. Urbain seconded to appoint Joe Egly to the Somerset Borough Municipal Authority to a 5-year term.

Unanimously Carried.

Mr. Walker moved, Mr. Urbain seconded to appoint Gisela McLaughlin to the Somerset Borough Planning Commission to a 4-year term.

Unanimously Carried.

Mr. Urbain moved, Mr. Rosemeyer seconded to appoint Robert Anderson and Brian Maust to the Zoning Hearing Board, 3-year terms.

Unanimously Carried.

Mrs. Pyle moved, Mr. Urbain seconded to appoint Delmas Hutzel to the Somerset Borough Vacancy Board (1-year term).

Unanimously Carried.

Letters of Interest

At this time there is a vacancy on our Uniform Construction Code Appeals Board and one on our Planning Commission.

Mrs. Pyle moved, Mr. Rosemeyer seconded to advertise for letters-of-interest for those interested in serving on our various Boards and Commissions.

Unanimously Carried.

A letter/card of condolences will be sent to the Pensiero family.

Chris Pile

Mr. Vinzani informed Council that Chris Pile is applying for a Residential Façade Grant Program grant. He needs to disclose the fact that he is a local government employee in making the application, and submit a letter to the Borough Manager to be read into the record. His letter reads:

“I am applying for a grant through the Redevelopment Authority of Somerset County. I must disclose at Somerset Borough’s public meeting of my intent to apply for same. I am requesting that you make an announcement on my behalf. The following is all that is necessary for you to say at the next Somerset Borough Council meeting:”

In accordance with the conflict of interest procedures for local employees, officials and appointees, Mr. Pile wishes to announce his intent to apply for housing rehabilitation under the Somerset Borough Home Façade Program being administered by the Redevelopment Authority of Somerset County.

Make sure that my name and this statement appear in the minutes of the meeting and send a copy of the minutes to the Redevelopment Authority of Somerset County as soon as possible so that they may request a waiver for me. Thank you for your assistance in this matter. Sincerely, C. Pile.’

Municipal Parking Lots

Chief Cox said he noticed that there was a tendency for past administrations to place parking restriction signs at various areas and these signs are not enforceable. No ordinance has been found. He spoke about the problem of vehicles backing into a space, making it difficult for officers to see the plate. There is an ordinance allowing the Borough Manager or Chief of Police to establish parking regulations, but only on streets, not parking lots, and on a temporary short-term basis. He said the simplest rule should be “head-in” parking within all spaces.

Mrs. Pyle moved to have the Solicitor write an ordinance for “head-in” parking – motion seconded by Mr. Urbain.

Carried 4-1 (Mr. Rosemeyer voted “no”)

Finance Committee

Mr. Urbain informed Council that they reviewed salaries at their Finance Committee meeting and the committee recommends a 3% average raise for members of the administration.

Mr. Rosemeyer moved, Mrs. Pyle seconded to give members of the Administration a 3% salary increase.

Unanimously Carried.

Real Estate Tax Collection

The President reported that our Tax Collector runs for office next year. They discussed pay raises – the recommendation is to set the Tax Collector salary at 3% for first year; 2-1/2% second year; 2% third year and 1% fourth year.

Mr. Urbain moved, Mr. Rosemeyer seconded to set the Real Estate Tax Collector salary rate for the four-year term at 3 percent in year one; two and one-half percent in year two; 2 percent in year three; and 1 percent in year four.

Unanimously Carried.

Committee, Administration, Special Reports

Manager’s Report

Mr. Vinzani reported the following:

- Our County Drought Task Force met this month; all water supplies are adequate.
- The Finance Committee met and formulated our 2013 Budgets which were just adopted.
- A notice from the Department of Labor and Industry states that certification of our Safety Committee has been renewed for year 2013. This entitles us to

a 5 percent reduction in our Workers Compensation rate for next year, nearly \$8,500.00.

A letter will be sent to Eric Critchfield, our Consulting Engineer, on his recent retirement.

Public Works

Mr. Walker reported the following Public Works recent activities:

- Multiple water line breaks have been repaired.
- Sewer taps on Plank Road were installed.
- The Public Works garage floor has been repaired.
- The Circle Drive water hole will be addressed during the summer months.
- The oil separator tank at the Fire Hall is being cleaned
- The sewer line problems at Circle Drive are being investigated via video camera.
- Arrows have been painted at the turning lane at Harrison Avenue, Main Street and Tayman Avenue.
- Potholes were patched on Sanner Street.
- They installed and completed burm restoration along the 500 block of West Sanner Street.

Finance Committee

Mr. Urbain presented the revenues and expenses, at 91.7% of the year:

General Fund revenues: 104.24% - expenses: 88.27%

Water Fund revenues: 91.8% - expenses: 96.5%

Sewer Fund revenues: 88.31% - expenses: 89.12%

Mr. Vinzani reported that we are awaiting reimbursement from the Turnpike Commission but it may end up going into our next fiscal year.

Public Safety Committee

Mr. Rosemeyer said their meeting was held and they reviewed the plan developed by the Chief for vehicles and motorcycles. Details are not complete at this time but the plan can be followed very well. They spoke about computers in cars, and about the Agency assisting other agencies.

Police Officer Welsch has resigned to take a position with the University of Pittsburgh Law Enforcement. A name and interviews are completed, to add an officer to replace him upon completion of his successful certification process. He

described Officer Justin Evans – he provides good credentials, holds a degree with the Allegany College of Maryland with emphasis on law enforcement, and is a graduate of the IUP Police Academy.

Mr. Rosemeyer moved to remove Officer Welsch from the police roster effective January 2, 2013 – motion seconded by Mr. Walker.

Unanimously Carried.

Mr. Rosemeyer moved, seconded by Mr. Urbain to add Officer Justin Evans to our list of part-time officers. (Chief Cox mentioned that he is a new academy graduate, is ready to begin the FPO process, and will need to become certified.) Motion was then seconded by Mr. Urbain.

Unanimously Carried.

On behalf of the Public Safety Committee, Mr. Rosemeyer thanked the Chief, Mayor, and Manager for allowing removal of the parking issue at the Eagles. Several businesses expressed their appreciation for parking permission in front of their place of business through January 1st.

Somerset, Inc.

Mrs. Pyle reported on the Somerset Inc. meeting. They discussed creating small business promotions uptown on Saturdays, and consulted with Ken Halverson about looking at certain properties. Flyers were distributed. She mentioned that a dining room was added to the front of Alice's Restaurant.

Solicitor's Report

Solicitor Dirienzo reported that PENNVEST accepted Council and the Authority's election to switch roles in the borrowing. Borrowing will now be by the Authority and Council will be guaranteeing it. A new letter will be issued.

Concerning the FTCA tax appeal, the school's decision last time was "no" and the FTCA took the appeal, which is pending. The Borough's portion of this proposed settlement is \$115.92. Our initial request stated that we do not make refunds but allow credits for the following year. This was rejected because of a change in ownership, then the School District rejected it, and we are agreeing with the School District.

We are closing out the Turnpike project. We received proposed deeds; the Township received a proposed deed. In working with Attorney Frantz, it appears that the deeds will be acceptable. He requests that Council authorize him to prepare an ordinance to accept the Deed of Dedication at next meeting.

He also requested authorization to prepare an ordinance cancelling out the old portion of the “T-intersection” at the Holiday Inn. We own the stubs. The road was potentially intended to go over the hill which would return ownership on both sides to the then current owners.

Two motions are needed; to accept the Deed of Dedication from the Turnpike, and to vacate the old Holiday Inn stub intersection.

Mr. Urbain moved to accept the Deed of Dedication as presented – motion seconded by Mr. Walker.

Unanimously Carried.

Mr. Walker moved, Mr. Urbain seconded to authorize the Solicitor to prepare an ordinance to cancel out the “T portion” of the old Holiday Inn intersection and return it to the property owners.

Unanimously Carried.

Mr. Urbain questioned the letter received concerning the old CVS property that Conemaugh Hospital wishes to take over. Mr. Vinzani explained that no response was required; this is merely a notification letter stating that they may take an appeal of a permit being issued.

We will be meeting in January to discuss our water allocation renewal permit.

It was suggested that the Manager consider sending a letter, if requested by the Mayor, to Officer Welsch for his services, also a letter to our retiring engineer, Eric Critchfield.

Mayor's Report

Concerning the recent school shooting incident in Connecticut, Chief Cox said he contacted the school superintendent and talks may be forthcoming. He reported that they perform foot patrol in the middle school and senior high school on a daily

basis and increased foot patrol at Eagleview. He said he asked permission from the Pennsylvania State Police (PSP), (since Maple Ridge is in the Township and our officers drive past it to get to Eagleview), that our officers also do foot patrols through Maple Ridge. The PSP approved this request. They are also providing exterior patrols at St. Peters school, which opted to not have officers come inside the school, since they believed it could be stressful to the students.

He pointed out that employees' Kim and Craig Smith did a fantastic job creating a data base that replaces previously existing spread sheets. It could be quite expensive for us to buy this software. He asked to have them invited to a Council meeting to present them with a Certificate of Appreciation.

Adjournment

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

Unanimously Carried.

8:14 p.m.

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