

## **SOMERSET BOROUGH COUNCIL MEETING**

**7:00 P.M. – January 28, 2013**

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

### **Present:**

Benedict G. Vinzani, Jr., Ph.D., Borough Manager; Michele Enos, Assistant to the Manager; Brett Peters, Director of Finance; George Svirsko, Director of Public Works; John J. Dirienzo, Jr., Borough Solicitor. Members of Council present were Paul Urbain, Ruby Miller, Judy Pyle, Fred Rosemeyer, and Scott Walker. William Meyer, Mayor; Randy Cox Chief of Police and Jerry Lyons, Fire Department were present.

### **Swearing-in**

The Mayor administered the Oath of Office to part-time Police Officers Christopher Koslowski and Justin Evans. The Officers introduced their family members. Chief Cox introduced them to individual Council Members.

### **Previous Meeting**

Mr. Walker moved to approve the previous council meeting minutes of December 17, 2012 – motion seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

### **General Public Comments**

#### **Jerry Lyons, Fire Department**

Mr. Lyons reported that a State grant has been received for purchase of an energy camera. Training sessions are being scheduled.

### **Payment of Bills**

Mr. Urbain moved to pay the following bills – motion seconded by Mr. Walker:

Check Numbers: 21042 to 21292                      Total Amount: \$523,294.60

Motion Unanimously Carried.

## Old Business

### Police Mutual Aid Agreement

The Solicitor said there is nothing new to report on the Agreement at this time. He and the District Attorney are exchanging ideas, etc. and have busy schedules.

## New Business

### Resolution No. 2012-01

The Manager presented the following Resolution containing submittals from three offices, for proper disposal of documents:

#### RESOLUTION NO. 2013-01

WHEREAS, The Borough of Somerset adopted Resolution No. 87-02 on April 27, 1987 providing for the destruction of certain papers in accordance with the Retention and Disposition Schedule for Records of Pennsylvania Municipalities, and;

WHEREAS, the Somerset Borough Administration wishes to dispose of some of its records in accordance with this Resolution;

NOW THEREFORE, BE IT RESOLVED, that the following items be authorized for purging:

2005 Billing Register Journal	2005 Penalty Run & Account Detail Sheets
2005 Billing Adjustments	2005 Daily Cash Receipts Journal
2001-2005 Final Billing Journals	2005 Adjustments
2005 Postal Mailing form for water/sewer bills	2005 Log Books
2005 Water Office Correspondence	2005 Payment Schedules
2005 Receipt Books	2005 Accident Reports
2005 Municipal Lien Letters	2008 Impound Forms
2005 Bankruptcy Claims	2006 Property Release Forms
2005 Water/Sewer Work Orders	2009 Abandoned Vehicle Notification Letters
2005 Water Leak Letters	2011 Abuse Petitions
2005 Smst Twp Miscellaneous Quarterly Actuals	2002 Trespass Letters
2005 Swimming Pool Adjustments	2008 Letters In/Out
2005 Complaints	2008 Warning/Repair Forms
2005 Street Light Forms	2008 Parade Permits
2005 Owner/Renter Final Sheets	2008 Borough Permits
2005 Month-end Reports	2006 Vehicle Calibrations
2005 Annual Water Report Paperwork	2009 Seized License Plates
2005 Township Meter Pit Readings	2010 UCR Reports
2005 Software Conversion Data	2009 Drivers Records
2005 Faxes	2010 Due Diligence Forms
2005 HSR Reports	2010 Bike Registration Forms
2005 Knupp Readings	2011 Paid Voided Parking Tickets

Mr. Urbain moved, Mr. Walker seconded to approve Resolution 2013-01

Motion Unanimously Carried.

**Fire & Ice Festival**

Mrs. R. Miller said she had suggested that we retroactively refrain from charging for parking for the Fire & Ice Weekend Festival. Mr. Vinzani said this has been done for the Christmas season and may be extended to the Fire & Ice weekend.

Mr. Walker moved to have free metered parking during the Fire & Ice Festival weekend – seconded by Mr. Urbain.

Motion Unanimously Carried.

**Motion**

Mr. Rosemeyer moved, Mrs. Pyle seconded that we inform the Chamber that the usual areas required to be paid parking would now be free, for the Antique Sale Days in August.

Motion Unanimously Carried

**Deed-of-Dedication**

The Solicitor said he prepared an Ordinance accepting the Turnpike’s deed-of-dedication covering Marsh Road, Tollgate Road and Lewis Drive and pointed out the directions of each road. He said the Township’s deed excludes everything that is in the Borough, though there appears to be a discrepancy on where the Township line is located. Some of the new roads are in the Township but we do not have an accurate Borough/Township line location therefore we will not record any drawings with this deed. We will need the exact location of the line and possibly more signs.

In an issue with Lewis Drive, it appears that it is being used by large trucks. This will need to be solved if we expect our police to enforce the signs, after we determine if it is a public street.

**Motion**

Mr. Urbain moved, Mr. Walker seconded to adopt the Ordinance accepting the deed-of-dedication covering Marsh Road, Tollgate Road and Lewis Drive.

At this point the Solicitor explained that the deed is complete; the drawing was not contemplated to be recorded with the deed.

Motion Carried 4-1

(Mr. Rosemeyer voted “no”)

Further discussion followed, concerning sign placements; Borough streets; maintenance of the various streets; liquid fuels list. Signs may be placed for the individual businesses here. Mr. Dirienzo said once this deed-of-dedication is accepted, the Turnpike no longer owns this property where the signs were to be placed. He said municipalities place signs for the general public, but generally do not place business directory signs. Mr. Cox pointed out that the signs will direct traffic part way to the establishment, then stop. Mr. Rosemeyer said there are too many unanswered questions. Mr. Vinzani will make inquiries.

### **Industrial Pretreatment Ordinance**

Mr. Vinzani said the EPA requires that we modify our Pretreatment Ordinance to put us into compliance.

### **Motion**

Mr. Walker moved, Mrs. Pyle seconded to authorize our Solicitor to prepare an amending ordinance to accommodate the EPA’s required changes.

Motion Unanimously Carried.

### **School Resource Officer**

Mr. Vinzani stated that Chief Cox provided him with copies of a memorandum-of-understanding and a description of contracted services of the Borough of Somerset Police Department. Mr. Cox said the Superintendent was authorized by the School Board to ask him to present a proposal on a School Resource Officer. The last time we had a School Resource Officer he provided certain levels of enforcement in the schools and spent time instructing in the classroom.

He said the Superintendent states that she wants to change the roll of the SRO, for true police presence in the building to protect everyone, and they want an officer there five days a week.

He said we will need to hire an officer in order to move forward, since we do not have staffing to cover this amount of time without overtime. They discussed shift scheduling and rotating. He said he considers this to be a positive thing, adding extra security to this part of the community at no cost to the Borough. The

School District is looking at picking up the entire bill. Options regarding flat rate or hourly rate are between Council and the School Board.

The Solicitor said a situation exists where a school that one of our officers would be attending is not located in the Borough. An agreement by ordinance would be required. A new statute has been passed addressing police in schools, "Act 82".

He will consider whether a School District is a municipality within the existing statute, regarding inter-municipal cooperation. If the School District does not fit the municipal description we would do a limited police agreement with Somerset Township for that school.

They discussed grant payments. Maple Ridge can be covered temporarily through an agreement with PSP but not for the life of the program. Mr. Dirienzo said the next step would be to determine if Council is interested in this, and under what terms. We need to be certain that we do not incur expenses of placing an officer in the school full time.

Chief Cox said a large part of our budget that was not considered here is vehicles. At this point we need to know if Council will support this and is willing to move forward in discussions with the School District.

### Motion

Mr. Urbain moved, Mr. Rosemeyer seconded to support this proposal and delegate a School Resource Officer.

Motion Unanimously Carried.

In answer to question regarding officers for special events, Mr. Cox said this would be a separate charge. Mrs. R. Miller said our Safety Committee should meet with the Director of Finance to determine rate prices. Mr. Cox said he will contact the Superintendent to let her know that we are ready to move on this. It was mentioned that the School Superintendent expressed her sincere appreciation of the Somerset Borough Police Department cooperation. Chief Cox pointed out that the School District has been very welcoming to their presence, and deserves much of the credit.

## **Public Safety Committee**

Mr. Rosemeyer reported on the Public Safety Committee meeting with the PSAB, also attended by Police Chief Cox, Council Members Scott Walker and Judy Pyle. The PSAB representative provided an overview of the new Borough Code. The new code will require resolutions or policies such as how wages are to be paid when a council member attends a PSAB conference.

Council may reimburse officials and/or employees who attend the PSAB Conference for regular job work-loss wages. As far as being informed on the various Borough Code updates, Mr. Vinzani said he previously offered suggestions: Council members can take the course on line – a webinar, 8 one-hour sessions, with an in-depth perspective. He distributed an outline of the changes, and suggested copies for Council.

## **Manager's Report**

Mr. Vinzani reviewed the following:

The County Drought Task Force met – all report adequate water supplies.

Our Community Video Project will be beginning shortly.

We met with the Red Cross regarding formal establishment of emergency shelters. The School System will be considering using their schools as emergency shelters.

He met with the Director of Finance and our Health Care broker to discuss changes which may be coming in our health care coverage under the new Obama Health Care Program.

He spoke with Chief Cox concerning promotional testing for sergeants. William Gamble will conduct the testing.

DEP inspected our Coxes Creek Projects – we received the highest rating for maintenance. Mr. Svirsko was commended.

He met with the Public Works Committee. This winter is more severe than last winter, with more expenses. We used more salt and anti-skid, more snow plow overtime and more repair to our equipment.

## **President's Report**

President Ruby Miller thanked all for great cooperation on the Fire & Ice Festival.

The County Banquet is scheduled for March.

She asked about sidewalk snow removal. Chief Cox said they respond to complaints. A number of warnings have been issued this winter. Because of the process required by Ordinance, the weather cycle sometimes prevents citations.

## **Public Works/Equipment Committee**

Mr. Walker reported on the following Public Works actions resulting from cold weather. They replaced frozen water meters and repaired water leaks. They picked up approximately 50 Christmas trees for compost. They assisted in removing the Fire & Ice blocks as well as Christmas decorations and met with the Public Utility Commission concerning the CSX crossing.

They will begin prioritizing street paving and equipment repairs for year 2013, and look at funding.

## **Public Safety Committee**

Mr. Rosemeyer reported on the committee meeting, at which they discussed the upcoming Sergeants Testing, New Hires and the School Project. Mr. Cox said they will be unmarking the patrol car and move it into the detective car spot. He asked for Council's resolution to authorize him to purchase a new patrol car. The new patrol car must be placed into service before he can move the old line car into the detective's slot.

Mr. Peters said he budgeted \$105,000 for the Capital Reserve Fund. Discussion ensued, covering various budget amounts and allocations. The \$32,000 includes the cruiser and new equipment for costs.

## **Motion**

Mr. Rosemeyer moved to purchase the new cruiser at \$32,000, including new equipment installation with markings – motion seconded by Mr. Urbain.

Motion Unanimously Carried.

## **Finance Committee**

Mr. Urbain presented the end-of-year finance report:

General Fund Revenues: 107.38% - Expenses: 94.99%

Water Fund Revenues: 100.17% - Expenses: 104.69%

Sewer System Fund Revenues: 95.7% - Expenses: 96.38%

He said a letter was received from the Somerset Daily American regarding the 10-K Race. Last year the Daily American made \$52,000. The Fire Department received \$26,000. This year, one-third will go to the Boys and Girls Club; one-third to the Boy Scouts and one-third to the Mobile Food Bank.

## **Motion**

Mr. Rosemeyer moved to send a \$500 donation to the Somerset Daily American 10-K Race – motion seconded by Mrs. Pyle.

Motion Carried 4-1 (Mr. Walker Voted “no”).

In answer to question regarding status of the “USS Somerset” signs, Mr. Vinzani said Commissioner John Vatauvuk has asked municipalities to order through him, through one supplier. The name “Somerset Borough” will be on our sign.

## **Somerset, Inc.**

Mrs. Pyle reported that the Somerset Inc. meeting is postponed until February. E-mails pertaining to the Fire & Ice Festival were all positive.

## **Solicitor’s Report**

The Solicitor reported that they are considering revising our ordinance pertaining to water system rules and regulations. He said he would like to remove these rules and revise them so that they can be amended by a resolution.

He said we would need to have support of a majority of Council with the procedures regarding master meters. A situation has developed regarding master meters and water “deduct” meters, whereby readings do not correspond. This has caused problems that are time consuming and counter-productive. He said he

would like to recommend that we have master meters only when they do not have input or control on the other side of the master meter feeds.

A detailed discussion followed, concerning eliminating “deduct” metering, and whether a property owner could have his own master meter for his customers (limited to mobile home parks, etc.) and bill only through the master meter. They discussed billing through rental payments. The Solicitor said we have no control over water when it leaves the master meter.

Concern was expressed regarding any overcharging by the landlord, but this would simply involve “freedom of choice”. They discussed duplex apartments, separate invoicing, piping, “deduct” meters and the Solicitor explained that if a landlord does not include water/sewerage the tenant must sign up, become a customer and is billed. The biggest problem has been when we have a master meter with “deduct” meters, where we have big differences, since we have no control over what is happening between them.

In the event of a leak, even though we would be billing a tenant, we reserve the right to shut them off if it would compromise the system. Mr. Peters pointed out that we are referring to a system such as developments and mobile home courts that are not part of the Borough’s responsibility.

Mr. Dirienzo recommended that we revise the rules/regulations on a number of different things, and that we require a master meter on a development or mobile home facility as the only meter. If the owner wishes to separately meter each facility he can buy the meters from us or elsewhere, then he would have control, and leakage or nonpayment would no longer be the Borough’s responsibility. We need to be certain that if we have multiple meters, that we have individual shutoffs available, with access to them. We will not meter more than once.

Mrs. R. Miller said we need to get the ordinance completed.

### **Mayor’s Report**

Mr. Meyer thanked Council for their cooperation in allowing them to hire two new officers.

**Executive Session**

Mr. Rosemeyer moved, Mrs. Pyle seconded to enter into Executive Session for pending litigation.

Motion Unanimously Carried.  
8:50 p.m.

**Council Meeting in Session**

9:10 p.m.

**Adjournment**

Mr. Urbain moved to adjourn, motion seconded by Mr. Rosemeyer.

Motion Unanimously Carried.  
9:12 p.m.

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