

PUBLIC HEARING
6:30 P.M. – February 25, 2013

The Public Hearing was called to order by Council President Ruby Miller, opening with recitation of the Pledge to the Flag. Present were the following members of Somerset Borough Council: Ruby W. Miller; Frederic Rosemeyer; Paul Urbain; Frank Koval; Scott Walker; Judy Pyle; and Wanda Miller. Also present were, Mayor William Meyer, Borough Manager Benedict G. Vinzani, Jr.; Director of Finance Brett B. Peters; Assistant to the Borough Manager Michele Enos; Director of Public Works George Svirsko; Borough Solicitor Jack Dirienzo

Borough Solicitor Dirienzo advised that this hearing was advertised under the Local Agency Law for the purpose of conducting a Public Hearing regarding the application for approval of an Intermunicipal liquor license transfer by the “Bad Boyz Bistro, LLC”.

Attorney William R. Brenner from the law firm of Evey & Black was present, representing the applicants. The Public Notice contained in the Daily American newspaper was made part of the record.

Borough Solicitor Dirienzo opened the floor to testimony and presentation.

Attorney William Brenner, representing Bryan Speck, “Bad Boyz Bistro, LLC”, provided a presentation of the business being conducted. The restaurant liquor license is to be transferred from a property in Shade Township into the Borough of Somerset. Mr. Dirienzo confirmed that this is a restaurant liquor license, serving distilled spirits, wine and brewed beverages.

Mr. Brenner stated that he plans to improve the property at 363 West Main Street, which is now a restaurant. He explained that the “BBB” is a themed restaurant. They opened in January of 2010 in Bedford, PA and “Page Productions” filmed them in January of 2011.

He mentioned the fact that they brought positive publicity to Bedford, and that they will probably add another 1,500 square feet to the restaurant and prepare the parking lot. The lot could accommodate 41 regular vehicles. A bar will be included; they will sell 6-packs of “Coors Light” and wine or cocktails will be

available. Chief Cox added that they do have a fine reputation, with no enforcement actions.

Various questions were asked concerning their menu. Having no further testimonies, the public hearing was declared adjourned by President Miller. A decision is expected to be made during the regular Council meeting to be held at 7:00 pm this evening.

Council Meeting

7:00 p.m.

Regular meeting of Somerset Borough Council was then called to order by President R. Miller.

The Pledge of Allegiance was recited.

Present:

Members of Borough Council present were Paul Urbain, Ruby Miller, Judy Pyle, Fred Rosemeyer, Wanda Miller, and Scott Walker. Also present were William Meyer, Mayor; Benedict G. Vinzani, Jr. Borough Manager; Brett Peters, Director of Finance; Michele Enos, Assistant to the Borough Manager; Randy Cox, Chief of Police; George Svirsko, Director of Public Works.

Approval of Previous Minutes

Mr. Walker moved, Mr. Rosemeyer seconded approval of the minutes of January 28, 2013.

Motion Unanimously Carried.

Bill Payment

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

Check Numbers 21293 to 21456

Total Amount: \$501,240.76

Motion Unanimously Carried.

Presentation to Somerset Borough Police Officer

The Mayor and Police Chief presented the following:

WHEREAS, Officer Scott Zelek, while on patrol of the Borough of Somerset in the early morning hours of the 21st day of January, 2013, detected a very early sign that a home was on fire;

WHEREAS, Officer Zelek immediately summoned the Somerset Fire Department then roused the resident family out of sleep, successfully evacuating them from the burning home;

WHEREAS, Officer Zelek's quick thinking and action, as well as his reliance on his training, averted what could have been a tragedy.

NOW, THEREFORE, it is with both pride and gratitude that I, in my capacity as Mayor of the Borough of Somerset and on behalf of its citizens, do hereby award this commendation to Officer Scott Zelek in recognition of his steadfastness of his protection of and service to the Somerset Community on this, the 25th day of February, 2013.

Officer Zelek introduced members of his family. The Mayor introduced Detective Rich Appel, and Officers Steve Borosky, Jordan Shaulis and Joe Levay, on duty tonight to honor Officer Zelek.

Old Business

School Resource Officer

Mr. Rosemeyer said the School Resource Officer's work schedule was reviewed, plus the cost that we would charge the school. Mr. Vinzani said we need authorization to present \$32.00/hour for an officer for the School District for services rendered under the School Resource Officer Program.

Mr. Rosemeyer said we will meet with the School Superintendent at completion of the school term, to determine whether there is a need to increase or decrease the cost. It was pointed out that this is not an officer for the High School, but an officer for all four buildings; the officer would rotate, for five days. Mrs. Pyle said they were looking at those in this salary range, about eight of them. Mr. Cox confirmed that the figure they were considering was not the earned figure, but cost to the Borough to have the officer present for that hour. The vehicle is included in the cost.

Motion

Mr. Rosemeyer moved to approve the \$32.00/hour cost to have an officer in uniform with vehicle at the school buildings throughout the day – motion seconded by Mr. Walker.

Motion Unanimously Carried.

Mr. Rosemeyer said a second item discussed was the issue of a computer “server”. Mr. Cox said the cost would probably be \$10,000 or \$11,000 and he is working on different funding sources. The server, though it would be the Borough’s server, would mostly be used for police to increase the security of the officer in the vehicle, and help with the vehicle computer.

Concerning the time frame, he said he is waiting to consider any other sources of funding coming in, probably in the spring, and he will then come to Council for any authorization.

New Business

Year 2013 Sewage Enforcement Rates

Mr. Vinzani said we received an updated set of fees that we should be charging for “on-lot” enforcement issues for approximately a half dozen residents throughout the Borough who are currently not connected to municipal sanitary sewage. Should they need inspections or repair, these rates properly reflect the sewage officers’ rates that we would have to pay; therefore they occasionally need to be adjusted.

In reviewing the fees, Mr. Vinzani pointed out that a perk test was \$60.00 and is now \$75.00. A final inspection fee is \$250.00, from \$210.00. We need to be prepared, should any of these systems need maintenance.

Motion

Mr. Rosemeyer moved, Mr. Urbain seconded to accept the new rates for Year 2013 Sewage Enforcement Activity.

Motion Unanimously Carried.

Inter-municipal Transfer of Liquor License

Motion

Mr. Rosemeyer moved, Mrs. Pyle seconded to approve adoption of an Inter-municipal Liquor License Transfer Resolution concerning the “Bad Boyz Bistro” application.

Motion Unanimously Carried.

PSAB Annual Convention

Motion

Mr. Walker moved to appoint Paul Urbain as our PSAB Voting Delegate – motion seconded by Ms. W. Miller.

Motion Unanimously Carried.

Motion

Ms. W. Miller moved to appoint Mrs. Pyle as the PSAB Alternate Voting Delegate – motion seconded by Mr. Rosemeyer.

Motion Unanimously Carried.

Industrial Pretreatment Ordinance

Mr. Vinzani said we need to adopt an ordinance amending our original Pretreatment Ordinance, to place us in compliance with EPA mandate.

Motion

Mr. Urbain moved, Mrs. Pyle seconded to approve adoption of an EPA Ordinance amending the Borough's original Industrial Pre-treatment Ordinance.

Motion Unanimously Carried.

“Head-in Parking” Ordinance

Concerning the Parking Ordinance for municipal parking lots, Chief Cox said it is only enforceable in lots that have signs posted for leased spaces or meters.

Motion

Mr. Urbain moved to approve an ordinance requiring “head-in” parking at Municipal Parking Lots – motion seconded by Ms. W. Miller.

Motion Unanimously Carried.

Resolution No. 2013-02

Mr. Vinzani reported that he and Ms. Enos met with FEMA and PEMA to discuss reimbursement for certain expenses incurred during Hurricane Sandy. This covers expenses considered to be non-routine such as rental of generators or removal of any trees for emergency vehicles. Snow removal is not eligible except for emergency vehicle access.

We are applying to FEMA for potential purchase of permanent backup generators for buildings that do not have one. If fire companies had expenses as we

did during the storm they may be eligible to apply. Overtime would be eligible only in response to an emergency.

Motion

Ms. W. Miller moved to adopt a resolution authorizing the Borough Manager to execute PEMA documents for reimbursement of eligible expenses during Hurricane Sandy - seconded by Mrs. Pyle.

Motion Unanimously Carried.

Request for Reserved Parking Spaces – Harold Shepley & Associates

Mr. Vinzani said this request is to lease 10 parking spaces in the Municipal Parking Lot behind the Eagles Building. If we grant this request, 17 spaces will be left in this lot, two of which are designated as handicap spaces. We are guaranteed a certain amount of dollars per month if we lease the space, whether they use it or not. We place original signs stating “reserved spaces”. It is enforceable and they sign an agreement.

Police Chief Cox explained that they will respond to a compliant, but they do not patrol. A violator is issued a traffic citation described as “trespass by another vehicle”.

Motion

Ms. W. Miller moved to lease 10 parking spaces in the Municipal Parking Lot at the corner of Edgewood Avenue and Patriot Street for Harold Shepley and Associates – seconded by Mr. Urbain.

Motion Carried 5 Yes - 1 No
Judy Pyle voting “no”

Barron/Koontz Zoning Modification Request

Mrs. R. Miller said this zoning request is being referred to the Planning Commission for review and recommendation. Mr. Vinzani explained that the zoning district cuts through a property and they want to expand the district one property over, therefore it would not be “spot zoning” but we will obtain the Planning Commission’s recommendation.

Motion

Mr. Rosemeyer moved, Mr. Walker seconded to refer the request for the Barron/Koontz Zoning Modification to the Planning Commission.

Motion Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani reported the following:

He attended a webinar on blighted properties. The text of the webinar was shared with full Council. We are trying to use our CDBG funds and other sources to either remove blighted properties or restore existing properties.

We met with FEMA to review potential reimbursements for expenses related to Hurricane Sandy.

The County Drought Task Force reported that all water supplies are adequate.

He and Mrs. Enos are working with the Community Video Project, authorized last year.

He and the Solicitor met with the Township regarding the Turnpike roads. The required deed-of-dedication has been adopted.

He met with our insurance broker, Mr. Halverson, for our yearly review of our new policies and coverage's, and met with Selective Insurance for our annual review of accidents and annual safety training for our Safety Committee.

The Finance Committee met; Mr. Urbain will present his review.

There are significant equipment problems to deal with due to the severe winter. Public Works will provide a report.

President's Report

Mrs. R. Miller expressed her appreciation for the Public Works Report.

All have been reminded of the County Boroughs Association meeting scheduled for March.

She spoke with Mr. Halverson concerning the “Bad Boyz Bistro”. He informed her that he sold the building next to Doherty Hardware and a new business will be locating here.

Mrs. Pyle reported that the Beeghley house was sold and will be demolished. They discussed his other properties.

Engineer’s Report

Danielle Kalp introduced herself and asked for any questions on the Engineer’s Report.

Public Works/Equipment Committee

Mr. Walker reported the following:

- The Public Works Department spent a large amount of time plowing snow.
- Water leaks were repaired at Industrial Park and the 400 block of West Fairview Street.
- Potholes were patched throughout the Borough, with more to be done.
- Tree branches that interfere with vehicular traffic are being removed.
- They used 1,088 tons of salt and 205 tons of anti-skid.
- The sanitary sewer manhole at the County jail is being routinely checked.
- Significant equipment maintenance issues need to be addressed.

Mr. Vinzani said they reduced daily checks at the jail manhole to weekly checks only, for preventive maintenance. Two trucks were down during the snow storm; one has been returned and one has a hydraulic problem. Mr. Svirsko described the condition of the 1992 GMC - repair would cost approximately \$18,000.00. They discussed renting private equipment for snow removal, and the need to research Federal and State surplus funds.

Public Safety Committee

Mr. Rosemeyer suggested reviewing the PENNDOT 12-year Transportation Plan Update. Some areas in the Borough need to be addressed, such as the traffic

signal light situation on Pleasant Avenue. Chief Cox said this will require a study from PENNDOT. Manager Vinzani said PENNDOT requests input from communities, and we can submit this. Pleasant Avenue is a State road and no posting can be done without PENNDOT'S permission. East Main Street resurfacing is scheduled for spring.

Finance Committee

Mr. Urbain provided the following report, at 8.3% of the year:

General Fund Revenues: 4.77%, Expenses: 6.26%

Water Fund Revenues: 9.47%, Expenses: 7.45%

Sewer System Operating Fund Revenues: 8.73%; Expenses, 6.69%

Somerset Inc.

Mrs. Pyle reported that the Somerset Inc. meeting was postponed and will meet on Wednesday. Mr. Riggs volunteered to chair the committee for Trinity Park improvements. An update will be provided.

Solicitor's Report

The Solicitor said the PENNVEST loan paperwork is to be closed in early March. They are discussing the CSX intersection with PUC regarding the railroad crossing, (an intersection of two State roads, but somehow we were "joined" along with the Township). We are scheduled for a pre-hearing conference call on Wednesday, February 27th.

Mayor's Report

The Mayor said the Sergeant testing is scheduled for April 20th, with four applicants. Testing material (included in 6 books) has been distributed to the applicants. Chief Cox explained the various test levels.

Adjournment

Ms. W. Miller moved to adjourn; motion seconded by Mrs. Pyle.

Unanimously Carried, 7:54 p.m.

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