

SOMERSET BOROUGH COUNCIL MEETING
March 25, 2013

Meeting of the Somerset Borough Council was called to order by Ruby Miller, Council President, 7:00 p.m., opening with recitation of the Pledge to the Flag.

Present:

Ruby Miller, Judy Pyle, Fred Rosemeyer, Wanda Miller, Scott Walker, Council Members. Benedict G. Vinzani, Jr., Borough Manager, Michele Enos, Assistant to the Borough Manager, Brett Peters, Director of Finance, John J. Dirienzo, Jr., Borough Solicitor, Randy Cox, Chief of Police, William Meyer, Mayor, George S. Svirsko, Director of Public Works, Jerry Lyons, Somerset Volunteer Fire Department.

Approval of Previous Minutes

Mr. Walker moved, Mr. Rosemeyer seconded to approve the Public Hearing Minutes of February 25, 2013.

Unanimously Carried.

Mr. Walker moved, Mrs. Pyle seconded approval of the Council meeting minutes of February 25, 2013.

Unanimously Carried.

General Public

Mr. Lyons informed Council of a problem in the Fire Department's Community Room. Air vents are forcing cold air on crowds congregating for bingo, business meetings, etc. Darr Construction was consulted and recommended a proposal to install six diffusers, with readjustments of the ductwork and install dampers to more evenly disperse the air.

The Fire Department will handle the cost and inspect the work, with no cost to the Borough.

He addressed a problem with fumes entering the room from the downstairs garage when trucks are being washed. Bottom doors will remain closed during meetings.

Mrs. R. Miller thanked the Fire Department for use of the Community Room for the Somerset County Boroughs Association program.

Payment of Bills

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

Check Numbers 21457 to 21609 Total: \$401,760.78

Motion Unanimously Carried.

Old Business

School Resource Officer Update

Regarding Council's offer at last meeting of \$32.00 per hour to be presented to the School District, Mr. Vinzani said he corresponded with the School District Superintendent. The Solicitors are discussing the proposal regarding the memorandum-of-understanding and the necessary agreements. Mr. Dirienzo said we are working under the framework of one that we had in 2007. He said he approves of the re-write but we need to make several changes. He explained that we will need to split years; they run on a fiscal year and we run on a calendar year, and cost changes for us will occur at end of the calendar years.

We will therefore write it as a full school year's worth of agreements, but if it is to increase or decrease in mid-school year and the School District is not satisfied with the adjustment, this would end the agreement. We are not locked in if we do not know the cost from year to year because of new contracts. Our language will allow for this flexibility.

The Intermunicipal Cooperative Agreement, authorized by PA law, will be between the School District and the Borough, with no Township involvement. Our officers will not be working in the Township except for school property, at this time only Maple Ridge.

When a municipality exercises the Authority to enter into Intermunicipal Cooperative Agreements it must be through an Agreement approved by an ordinance. He said he will write it so that we will not need to do an ordinance every year; it will be a continuing authorization as long as the initial Agreement is extended by mutual agreement of the parties.

The School District does not pass ordinances; in conversation with their Solicitor, they may want to get a court approval under the School Code. This may be

required for our police to have authority of being School Police under the School Code, in addition to being Municipal Police officers.

We will have a final form of the Agreement; terms are 176 days at \$32 dollars per hour. Ms. W. Miller asked about Maple Ridge being in the Township – the Solicitor said we do not need a township deal; ours will be with the School District.

Attorney Dirienzo said we need a motion to authorize him to finish the Agreement with the School District Solicitor, then prepare and advertise the ordinance.

Motion

Mr. Rosemeyer moved, Mr. Walker seconded that Somerset Borough Council authorize the Solicitor to complete the Agreement with the School District Solicitor and to prepare and advertise the necessary ordinance.

Motion Unanimously Carried.

New Business

Act 13 Report

Mr. Vinzani reviewed the “Unconventional Gas Well Fund Usage Report.” Municipalities are required to execute this report annually, based on amounts of funds received and how funds were used. Last year the funds were used for paving/maintenance of our roads.

Motion

Mr. Walker moved, Mrs. Pyle seconded to authorize submission of the Act 13 Report to the Public Utility Commission.

Motion Unanimously Carried.

Somerset Trust Accounts

Mr. Peters was notified that we had some past Council members on the Signature Authorization list for several accounts and need to update with current personnel.

Motion

Ms. Wanda Miller moved, Mrs. Pyle seconded, to update signatures for our Somerset Trust Accounts.

Manager's Report

Mr. Vinzani reported the following:

- He participated in a Conference Call and a meeting concerning the PUC and CSX railroad situation, along with our Solicitor. Email correspondence was sent to the PUC, CSX counsels, as well as PENNDOT.
- Met with SCI Laurel Highlands along with the Public Works Superintendent, to begin the process of obtaining inmate labor help this year.
- Along with Michele he met with FEMA to review potential reimbursement for "Hurricane Sandy" expenses.
- Received annual training, along with Mr. Peters, from PSAB concerning unemployment compensation. Subtle changes are expected.
- Attended a Chamber meeting with the DEP Secretary.
- He and Public Works Director George Svirsko received our required Commercial Driver's License training, since we supervise CDLs. There are many updates. Employees will also receive this training.
- The annual Right-to-Know training is being scheduled, for employees exposed to hazardous chemicals.

President's Report

President Miller said Somerset Inc. sent their thanks for the free uptown parking and the outstanding job of the Public Works Department during the Fire & Ice Festival.

She thanked the Public Works Department for the plowing, and Mr. Hauger for cleaning the Fire Hall.

Mr. Rosemeyer mentioned a letter received from Representative Metzgar concerning changes that will affect parades. Chief Cox pointed out that he provides

the road closure application to PENNDOT, and the Mayor issues a Borough permit for parades. We need to address all parades that either use or cross State roads.

Mr. Lyons, Somerset Fire Department, was acknowledged for the successful banquet.

President Miller informed Council that the next meeting of the Somerset County Boroughs Association is scheduled for May 16th at Rizzo's Restaurant in Windber.

Mr. Vinzani reported on an email received from the Redevelopment Authority of Somerset County, followed by a proposed Cooperation Agreement between the Authority, Somerset Inc. and the Borough concerning Trinity Park improvements. This must be executed with the Borough. Our Solicitor reviewed it, and Mrs. Pyle was asked to solicit contributions from Somerset business people, including the Borough. Normal procedures for donation requests ask for organizations to complete a copy of the "request for donation" - we are being asked to execute the Cooperation Agreement with no formal request for a donation.

Mrs. Pyle said the Riggs Foundation donated funds for the study of Trinity Park. When the study was completed, funded and agreed upon by the Committee, they applied for a matching funds grant. We are trying to commit to a certain amount in order to ask for a 50-50 match.

The plan is to begin with the stage and electricity for multi-use, such as outdoor lunches, activities, etc. She said she is attempting to meet the April 10th deadline with matching funds, and they would like a commitment from the Borough towards the project. Mr. Rosemeyer suggested contacting the Eagles, American Legion and the VFW. Somerset Inc. owns this property, with some questions regarding line locations. Mrs. Pyle said there are questions to be settled before major construction.

She reported on the meetings with Somerset Inc. concerning "Easy Living Estates" - presented by the former Main Street Manager.

They discussed backgrounds and potential plans for various uptown buildings, with maintaining the historical integrity as much as possible.

Engineer's Report

Mr. Reilly reported that the PENNVEST financing was completed for the hospital water tank and Industrial Park water line. A pre-construction job conference will be held and contractors will begin work soon afterwards.

Public Works & Equipment Committee

Mr. Walker commended the Public Works Department on their excellent job in keeping roads clear. They are now removing anti-skid, patching potholes and planning for street paving and maintenance.

The Public Works garage will need a new compressor at cost of approximately \$4,000 and a tool box at \$500. Larger expense items consist of a new bed, hydraulic repair, and control box repair for Unit No. 9, a 1993 dump truck. It would cost between \$17,000 and \$20,000 to repair. We believe a used vehicle can be purchased between \$30,000 and \$40,000. A suggestion was made to consider purchasing a used one instead of a new one which could cost approximately \$115,000.

Public Safety Committee

Regarding the School Board Resource Officer, Mr. Rosemeyer stated that when they assign the Resource Officer to the School, he/she comes off patrol, creating the need for a replacement officer.

Motion

Mr. Rosemeyer moved, Mr. Walker seconded to direct the Public Safety Committee to begin the hiring process for a part-time officer.

Motion Unanimously Carried.

Finance Committee

Mr. Peters presented the following financial report, at 16.7% of the year:

- General Fund expenditures: 13.67% - revenues: 8.98%
- Water Fund expenditures: 16.91% - revenues: 17.74%
- Sewer Fund expenditures: 16.43% - revenues: 17.86%

Solicitor's Report

Solicitor Dirienzo referred to the Cooperation Agreement between the Redevelopment Authority, Somerset Inc., and the Borough. He said he agrees with the Manager that we do not have to execute it, but there is nothing preventing us from doing so. It contains no promises for the Borough to keep any obligations, and

appears to be a formal endorsement of the project by the Borough. Whatever is done will comply with the zoning and building codes, etc. therefore he has no objections.

Motion

Mrs. Pyle moved to authorize execution of the Cooperation Agreement between the Redevelopment Authority of Somerset County, Somerset, Inc., and the Borough of Somerset.

Motion was then seconded by Mr. Walker.

Unanimously Carried.

Stoystown Road Intersection - Mr. Dirienzo said a hearing will be held in July with the PUC to gather information to determine whether they should order action at this intersection. He said we had tried to be officially removed from this process, along with the Township, which has been denied.

He reviewed accidents that have occurred at this intersection and said he asked for professionals to render an analysis on whether gates, overhead lights, etc. would have prevented any of the incidents. He spoke of addressing the causes, location of lights, Borough lines, maintenance responsibilities (whether Borough or State), and the need to identify the problem.

Mayor's Report

Mr. Meyer informed Council that he received the annual letter from the Pennsylvania Osteopathic Medical Association, asking us to advertise April 14th as "National Osteopathic Medicine Week."

He also received a letter from an after-school program for at-risk school students from a metropolitan Kansas City area, describing their automotive design class whereby they have built five electric cars from salvage of sports cars, racing cars, etc. They will be driving these cars from coast to coast. They will be here on June 4th to recharge and would like to do a demonstration. It was suggested that Council sponsor something for them. We will have more information for our April meeting. Mrs. Pyle suggested sponsoring the program in a public area.

Mr. Meyer mentioned that Officer Eric Grus was injured with circular saw and will need surgery. This will leave us short one officer for the School Program.

Adjournment

Ms. Wanda Miller moved, Mrs. Pyle seconded, to adjourn.

Motion Unanimously Carried
8:10 pm

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