

SOMERSET BOROUGH COUNCIL MEETING
July 22, 2013 – 6:30 p.m.
Public Hearing

The Public Hearing was called to order by Ruby Miller, Council President, opening with recitation of the Pledge to the Flag.

Present:

Council Members: Frank Koval, Fred Rosemeyer, Judy Pyle, Scott Walker, and Wanda Miller. Also present: Benedict G. Vinzani, Jr., Borough Manager; Randy Cox, Chief of Police; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; Brett Peters, Director of Finance, Tom Reilly, Consulting Engineer, and Solicitor Jack Dirienzo.

Zoning Change Request

Mr. Vinzani read the following Public Notice, which was advertised July 12th, and 15th, 2013:

“Pursuant to the request of James A. Onstead to change the zoning of his properties located at 219 and 241 Plank Road, Somerset, PA from the current designation of R-3 to B-1 classification, Council of the Borough of Somerset will hold a Public Hearing at 6:30 p.m. on July 22, 2013 in the Council Chambers of the Somerset Borough Municipal Building located at 347 West Union Street, Somerset, PA.

At this time public comments will be taken. Additionally, written comments on this request may be submitted to the Council of the Borough of Somerset, in care of Benedict G. Vinzani, Jr., Borough Manager, 347 West Union Street, P.O. Box 71, Somerset, PA.”

Pursuant to the Pennsylvania Municipalities Planning Code, the Public Notice has been sent to property owners within 100 feet of the properties owned by Mr. Onstead, along with the above notice sent to adjoining property owners within Somerset Borough. No written comments were received.

Richard Gelpi stated that he is located on the border of Mr. Onstead's property line. He asked why he could not have a variance to place a sign on this property instead of a change in zoning. Mr. Vinzani explained that the application is for the request to change the zoning from one use to another; no application for a sign is involved. The property owner can apply for any sign that would be allowed in a particular zoning district. Variances are not granted based on whether adjoining property owners agree or disagree. Certain compliance issues must be considered before variances can be granted. This issue is a rezoning request for these parcels.

Mrs. Ruby Miller asked why this is being rezoned. Mr. Onstead stated that he would like to prepare for placement of a sign for future light businesses.

In answer to questions concerning type of businesses, Mr. Vinzani read the “permitted uses” as to what is not permitted in a B-1 District. Any requests would be evaluated for compliance, in order for a permit to be issued. A sign must be in compliance with the current zoning regulations.

Motion

Mr. Koval moved, Ms. Wanda Miller seconded to adjourn the Public Hearing.

Motion Unanimously Carried.
6:59 p.m.

Borough Council Meeting

7:00 p.m.

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

Present:

Ruby Miller, Frank Koval, Judy Pyle, Fred Rosemeyer, Wanda Miller, Scott Walker, Members of Council. Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; Brett Peters, Director of Finance; Randy Cox, Chief of Police; John J. Dirienzo, Jr., Borough Solicitor; Tom Reilly, Consulting Engineer; William Meyer, Mayor; Jerry Lyons, Somerset Volunteer Fire Department. (Sign-in sheet is on file.)

She announced that an Executive Session was held at 5:30 p.m. on July 22nd, 2013 for the purpose of Collective Bargaining.

Special Recognition

(a) American Legion/VFW

Mr. Meyer stated that they would like to acknowledge our community’s generosity, especially the VFW and American Legion.

We received an offer to trade our current motorcycle in on two used motorcycles, both from the University of Pittsburgh Motorcycle Patrol. They were

offered to us at a good price, with our trade-in and the American Legion's donation of \$10,000.

The VFW paid for training for most of our motorcycle officers and donated \$2,500. He noted that it costs much less to run the motorcycles than the cruiser.

(b) Somerset Trust Company

Mr. Vinzani introduced Henry Cook, Hank Parke and Dan Mickey from the Somerset Trust Company, stating that they are being recognized for the bank's national ranking. Somerset Trust Company has long been a part of our community. Several rating services look at earnings, risk taking, and they are rated in the top 100 (among 7,500 plus banking institutions) in terms of low risk and good return. He pointed out the importance of this organization to the community and commended Mr. Cook on his teamwork. Mrs. Ruby Miller stated that this bank has competed with all of the large national banks and had avoided buyouts, and offered her congratulations. Mr. Cook was presented with a plaque in recognition of his bank's continuing achievements in the banking industry.

Minutes of Previous Meeting

Mr. Rosemeyer moved to approve minutes of the previous Borough Council Meeting of June 24, 2013 – seconded by Mr. Koval.

Motion Unanimously Carried.

General Public Comments

(a) Somerset Volunteer Fire Department

Jerry Lyons mentioned that Somerset Trust Company has been an outstanding supporter of the Fire Department, with donations and various sponsorships, along with the annual banquet, and Mr. Cook is to be commended for his support.

This past weekend we reached our 300th alarm for the year, a significant number for a volunteer fire department.

He pointed out that our volunteers not only answer alarms, but attend many hours of training, with work nights on our trucks, committees, and regular meetings - a huge amount of commitment.

The new 2013 pumper is now placed in service. It is set up to respond to an accident with rescue equipment or as a pumper in a structure fire - very helpful in our fleet.

He commended Manager Vinzani for keeping track of storms coming our way in sending out emails so the Borough can be fully prepared.

Payment of Bills

Mr. Walker moved, Mrs. Pyle seconded to pay the following bills/requisitions:

Check Numbers 22143 to 22295 Total Amount: \$304,354.14

Motion Unanimously Carried.

Policy Agenda

Old Business

(a) Zoning Request – James Onstead

Solicitor Dirienzo pointed out, as previously mentioned, that since he has done legal work for the Onsteads, they are considered as regular active clients, and this zoning application change is specific to the classification as to the property to be affected, therefore it needs to be treated as an application for rezoning.

He said if Council wants to approve the application to accept the zoning change, a motion would be needed to amend the existing zoning ordinance and map created by the zoning ordinance, then take the particular area and change the zoning classification from R-3 to B-1. It would start as a zoning map change, with a motion and vote from Council.

He explained that if no motion is made (and after a reasonable amount of time the Council President would declare no motion) then no approval for the change would occur, the ordinance would continue as is and the property would remain zoned R-3.

Regarding signs and variances, under the zoning ordinance a variance is acted upon by the Zoning Hearing Board, not Borough Council. He explained that the concept of a variance is if, for a special reason particular to the property, application of the standard provisions of the zoning ordinance to the property creates a hardship, this is the critical feature of granting a variance – there are “use variances” and “dimensional variances”. He explained the differences and reiterated that any action would be handled by the Zoning Hearing Board.

The only action tonight is for the map change for two lots, changing R-3 to B-1. If the motion to change the zoning map were passed by Council, he would seek authorization to prepare the necessary ordinance amending the zoning map.

Motion

Mr. Rosemeyer moved to approve the zoning change from R-3 to B-1 – seconded by Ms. Wanda Miller.

Motion

Mrs. Pyle moved to table this motion for the zoning change for further review at next month’s meeting – seconded by Mr. Koval.

Vote: Mrs. Pyle, yes; Mr. Rosemeyer, no; Mr. Koval, yes; Mrs. Ruby Miller, yes; Mr. Walker, no; Ms. Wanda Miller, no – Vote was 3 yes to 3 no with Mayor Meyer breaking the tie by voting no.

President R. Miller stated that we were back to the original motion of Mr. Rosemeyer to change the zoning from R-3 to B-1 classification, seconded by Ms. Wanda Miller.

Vote: Ms. Wanda Miller, yes; Mr. Walker, yes; Mrs. Pyle, yes; Mr. Rosemeyer, yes; Mr. Koval, yes; Mrs. Ruby Miller, yes.

Motion Unanimously Carried.

The Solicitor confirmed that he now has the authorization to prepare and advertise the change of this zoning, for Council’s consideration at next meeting.

(b) PennDOT Winter Maintenance Agreement for Franklin Avenue

Mr. Vinzani said he met with PennDOT regarding renewal of our 5-year agreement, and recommends executing the Agreement. We are able to do this on a yearly basis, and can pull out within 60 days of each year within the 5-year agreement. He said he would be willing to try, (for one year) modifying our salt spreaders to a possible lesser rate and mix more anti-skid with the salt.

He requested authorizing execution of the 5-year Agreement.

Motion

Mr. Walker moved, Mrs. Pyle seconded to renew the Winter Maintenance Agreement with PennDOT for Franklin Avenue

Motion Unanimously Carried.

Council Conference Attendance Policy

Discussion followed regarding this policy. Ms. Wanda Miller stated that every conference has something new to report, and this conference helps to keep us informed about changes in the laws. Mrs. Pyle agreed, adding that these conferences provide an incredible amount of information on a variety of subjects.

New Business

(a) Part-time Police Officer

Council was asked to consider adding Christina Hemminger, a 10-year law enforcement officer with a degree from Mount Aloysius and a Somerset Borough resident, to the roster of part-time police officers.

Motion

Mr. Rosemeyer moved, Mr. Koval seconded to add Christina Hemminger to the roster of part-time Police Officers.

Motion Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani reported the following:

He attended a PSAB Webinar concerning "Workplace Harassment" and Mrs. Enos attended one on "Personnel Actions and Tort Liability".

He attended a meeting of the County Drought Task Force; all water systems report adequate supplies.

He met with our insurance broker, Dave Halverson, for the periodic review of our insurance policies.

Concerning the article in the Borough News on "Use of Credit Cards for Utility Payments" – this will eventually happen in Somerset Borough when we convert to our new software later this year. Details will be provided in the upcoming months.

President's Report

Mrs. Ruby Miller asked the Manager for a report on the water break at the Gilmour Bypass.

Mr. Vinzani said they pinpointed the approximate location of the water break and shut the line near the Gilmour Bypass near the Rt. 281 intersection. Water service is restored via another line servicing the Township. The break has not been

precisely located; they need to pinpoint it in order to avoid extra work. He explained the computer electronic device that attaches to a water valve box and calculates the distance to the leak. We have obtained the service of a company to assist us.

Engineer's Report

Mr. Reilly reported the Industrial Park waterline is now in service and restoration is completed except for the punch list items. The water tank construction is ongoing.

Public Works & Equipment Committee

Mr. Walker reported that they did not have the opportunity for a formal meeting. He was given an extensive list of work, with a large amount of maintenance work to the parking lots in town and on our streets. They are looking for funds for equipment. Mr. Vinzani said a proposal is coming from Cleveland Brothers. They have a program that would allow us to get the equipment immediately then defer payments for a year, which would require no capital outlay for this year. He will need to know if interest will be charged between now and the one-year period.

Mr. Walker said he has been approached by several neighbors that live near St. Peter's Church concerning the nearby stream that runs towards the school. It is clogged with weeds, grass, and garbage.

Mr. Vinzani said he does not believe there are any easements that we maintain. He will check to see if it is a right-of-way or private property.

Public Safety Committee

Mr. Rosemeyer reported on the meeting of the Public Safety Committee where they discussed bike donations, the sergeant's position and thank-you notes to be sent to the American Legion and VFW for the donations towards the motorcycle purchase.

Mr. Cox said there is \$10,000 that he had built in to the Police Department's budget that is unused – he would like to request this amount for the balance of the motorcycles from Council since it is not part of his budget.

Mr. Vinzani confirmed that it is not in the Police Department's portion of the General Fund.

Motion

Mr. Rosemeyer moved to ask Council to move the money that would have been applied towards purchase of a used police car, seconded by Mr. Walker.

Motion Unanimously Carried.

They discussed costs of the motorcycles. Chief Cox said there will be additional costs such as lights. They are considered “low-hour” bikes, very well maintained. There could be other expenses; he is merely requesting the \$10,000.

Mr. Rosemeyer mentioned “National Night Out” and encouraged Council to attend.

Somerset Inc.

The Trinity Park Committee may not receive any grant money since it was not submitted by the proper organization as required by this particular grant.

Newest committee is the Uptown Development Committee. They are attempting to identify owners of empty buildings to see if we can help to fill them and build the tax base.

They are working on the Brinker Building. The Schenck Building was considered but there is approximately \$10,000 in renovations to be done.

Mrs. Ruby Miller asked about the Ameriserv parking spaces which are seldom used and would be much appreciated for Uptown Somerset use.

Solicitor’s Report

Mr. Dirienzo reminded Council of the upcoming PUC meetings concerning the railroad. We have two involvements at this time, and will audit the proceedings. He suggested developing a map as to what utilities we have here. We will provide the time and location of the meeting for those interested in attending.

Mayor’s Report

Mr. Meyer informed Council that they interviewed four people for the part-time police officer position. They selected one, a Somerset resident with 10 years experience. They are prepared to enter the school zone by next month, with 8 officers rotating, each there for four days.

Adjournment

Ms. Wanda Miller moved to adjourn, seconded by Mr. Koval.

Motion Unanimously Carried.
8:26 p.m.

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