

**BOROUGH OF SOMERSET**  
**Council Meeting**  
**January 20, 2014**

Council President Ruby Miller called the meeting to order, 7:00 p.m., opening with recitation of the Pledge to the Flag.

Present:

Council Members present: Ruby Miller, Fred Rosemeyer, Judy Pyle, Pam Ream, Sue Opp, Steve Shaulis, and Gary Thomas. Mayor Scott Walker; Benedict G. Vinzani, Jr., Ph.D., Borough Manager; Michele Enos, Assistant to the Manager; George Svirsko, Director of Public Works; Brett Peters, Director of Finance; John J. Dirienzo, Jr., Borough Solicitor, and Thomas Reilly, Borough Engineer.

Announcement

An Executive Session was held this date at 5:30 p.m., for purpose of Contract Negotiations.

Approval of Previous Minutes

Mr. Rosemeyer moved, Mrs. Opp seconded, to approve minutes of the Borough Council Meeting of December 16, 2013.

Unanimously Carried.

Mrs. Ream moved, Mrs. Opp seconded, to approve minutes of the January 6, 2014 Organizational Meeting.

Unanimously Carried.

Payment of Bills

Mrs. Pyle moved; Mrs. Ream seconded to pay the following bills:

Check Numbers: 23149 to 23297

Total Amount: \$357,939.53

Unanimously Carried.

Policy Agenda

Old Business

Mr. Vinzani referred to a letter from the Borough of Berlin requesting that we provide building inspection services and possibly code enforcement/property maintenance enforcement as well. While we could provide these services, Mr. Vinzani pointed out that this would take time away from our Building Inspector and Inspections Department Clerk. If we extend ourselves into another community for

these services, we would not be able to respond as quickly and effectively to our own customers as we are now doing. Mr. Vinzani recommended that we do not enter into an agreement with the Borough of Berlin to provide these services.

Solicitor Dirienzo pointed out that enforcement activities in Berlin would require travel to Meyersdale for the District Justice. This could be done, but would be subject to a Municipal Agreement. It was mentioned that private companies in the area could provide these services.

Motion

Mr. Thomas moved to respectfully decline providing the requested services; motion seconded by Mrs. Opp.

Unanimously Carried.

Solicitor Dirienzo presented a new request made to us concerning the Holiday Inn Access Road, McDonald's traffic signal, and the ramp from the Turnpike Access Road to the Holiday Inn. This was to have been an extension of Shaffer Street but was not open the whole way. Then to access the back of McDonalds we did the same on the other side and had the traffic signal installed. McDonalds agreed to pay for the traffic signal and its maintenance under this arrangement. This Agreement is still in effect. They now ask to be relieved of this obligation. The signal has been moved, now controlling public roads coming four ways, with no direct connection to McDonalds; but with a small indirect connection up one road, then a turn to enter McDonalds.

He said he does not believe we can hold them to this Agreement. He would need Council's formal permission to include the cancelling out of this side of the road, and nullification of our Agreement, as part of the complete package for both sides of what used to be that intersection.

They discussed which areas are Borough and Township. Mr. Svirsko said an Intermunicipal Agreement states that the Township would go to "Jim's Truck Stop" and we would go from this intersection to the Turnpike Access Road, and then to what was Lewis Drive.

Motion

Mrs. Ream moved to cancel both sides of the previous intersection and nullify the Agreement that required McDonalds to maintain the traffic signal – motion seconded by Mrs. Opp.

Unanimously Carried.

Mr. Dirienzo said this will all occur at one time, with one ordinance. The Holiday Inn property was given to us with a “reverter clause”, meaning that if it ever stopped being used as a public street, it would revert back to the original grantors.

President Miller asked the Solicitor for an update on the CSX Railroad situation.

Concerning the railroad crossing at the Milling Company, the Solicitor said this case is now completed. We have our part to do regarding our utilities and the traffic signals. Under arrangement of the settlement, work that we do will need to be funded initially, but we receive reimbursement by a grant funding the complete project.

He pointed out that there are traffic signals under our permit that are our responsibility, and there may be signal lights as part of the railroad crossing that are not part of our responsibility. Policing with traffic control, now including a gate, remains to be seen however action needed to be taken because of the numerous accidents at this location.

#### Water Policy Question

A question was asked about our status on a Water Policy at a trailer court that was sold, and whether this would result in a new Agreement. Mr. Dirienzo explained that we never had a separate Agreement relating to the water situation. It was an assumption by the owner that did not fit with anything we agreed to. They want a substantial amount of money, stating that water which leaked from the system inside the trailer park did not go through the sewage system; therefore we generate sewer bills based upon water usage. The situation was not created by any prior Agreement on our part.

He said he agrees with the idea of having a more definitive policy in place when this situation comes up, by providing an ordinance requiring a transaction to apply for a permit from the Borough in order to avoid later problems. The Solicitor agreed to look into this issue.

#### New Business

Mr. Rosemeyer moved, Mrs. Pyle seconded to appoint Bill Meyer to fill the unexpired term of Dr. William Simmons on the Borough of Somerset Civil Service Commission.

Unanimously Carried.

Resolution No. 2014-03

Concerning the Commonwealth of Pennsylvania Records Retention Schedule, the Manager said a list of records has been prepared for disposal and needs to be approved by Resolution prior to disposal.

Motion

Mrs. Ream moved, Mrs. Opp seconded to authorize disposal of certain records as enumerated in Resolution 2014-03, in accordance with the Commonwealth's Records Retention and Disposition Schedule.

Unanimously Carried.

Somerset County General Authority

Mr. Vinzani said Somerset County General Authority Solicitor Daniel Rullo sent a letter requesting that each municipality that purchases water from the County System, designate a representative to the County's Advisory Board.

Motion

Mr. Thomas moved, Mrs. Opp seconded, to appoint Mr. Vinzani as Representative to the Advisory Board of the Somerset County General Authority.

Unanimously Carried.

**COMMITTEE, ADMINISTRATION, SPECIAL REPORTS**

Finance Committee Report

Mr. Peters presented the following end-of-year Report:

General Fund

Revenues: 104%

Expenses: 99.03%

Water Revenue Fund:

Revenues: 144.95% (including Penn Vest loans proceeds); without the loan proceeds: 104.66%

Expenses: 144.36% (including the Waterline Loop Project); without these expenses: 99.76%

Sewer System Fund

Revenues: 95.94%

Expenses: 97.30%

### Manager's Report

Mr. Vinzani reported the following:

- He attended a session concerning issues facing local governments in our area, with Congressman Rothfus. They discussed unfunded mandates.
- He attended the January 3, 2014 Annual Fire Department Banquet.
- He attended a Disaster Recovery Training seminar sponsored by the Somerset County Chamber of Commerce.
- He met with a representative from Selective Insurance, our Workers Compensation carrier.
- Programs for our Safety Committee were set up, with snow plow training. Our Safety Committee will be certified again next month.
- Dan Buck, Sr. has arranged for our HazMat training through the Harrisburg Area, to be held at the Fire Hall in February. This is under the Commonwealth's Right-to-Know training for those coming into contact with hazardous materials during the performance of their job duties.
- He was invited to attend PennDot's Citizens Advisory Board meeting relative to the CSX Crossing. Signals will be tested, along with a train "simulation" through the Pleasant Avenue / RT 281 intersection.
- The Redevelopment Authority of Somerset County administers our Community Development Block Grant monies. We are looking for projects that may be eligible. They need to be in areas that benefit a majority of low-to-moderate-income persons. These funds have previously been applied towards sanitary sewer line rehabilitation and demolition of dilapidated structures. He asked Council for projects for consideration, to be received by the January 31, 2014 cutoff date.
- The State Ethics Forms are being distributed and need to be completed and returned by May 1, 2014.

### President's Report

President Miller asked about the best locations for Council Packet distribution.

- She reported that the Lions Club President stated that they are looking for a project. Lights and cameras were suggested, and the Manager will prepare a list.
- She spoke with the Solicitor about the Lions Club Building – we do not have title to the building but it is on our property. Solicitor Dirienzo said in absence of an Agreement, this building will be assumed to be part of the Real Estate.

- She reported that the Fire & Ice Festival was very successful.

### Engineer's Report

Mr. Reilly reported that the new water tank is in service. The old one is torn down. It took only one day and a half. It is in service and appears to be operating well.

### Public Works Committee Report

Mr. Thomas reported the following activities:

- This season they used 1,700 gallons of salt brine; 1,000 tons of salt, and 460 tons of anti-skid.
- Sidewalks in the Central Business District were swept in preparation for the Fire & Ice Festival, with help from the Department of Corrections.
- A defective fire hydrant at intersection of Church Street and Rosina Avenue was replaced.
- Concrete barriers at the Union Street playground parking lot were installed.
- Public Works Department assisted with the ice sculpture set-up for the Fire & Ice Festival.
- They repaired a water leak along West Garrett Street.
- A "dead-end" sign was installed at the end of West Union Street.
- Routine consisted of shoveling/salting Borough sidewalks, streets, parking lots, trash pickup, weekly meter pit readings, monthly grease trap inspections at restaurants, weekly water testing and monthly unloading of chemicals at the water treatment plant.

### Public Safety Committee

- Mr. Rosemeyer said they will meet the third Monday of every month at 1:00 p.m. They discussed the purpose of the meetings and how they can assist the Police Chief.
- The Chief received a check from the American Legion.
- He mentioned the need for reporter attendance at meetings, to address important items that are not being submitted to the press. He pointed out that there are many items related to the 8.2 million dollars County expenditure and tax increase that the public is not aware of - the new emergency radio system, etc.
- They discussed insurance, and will request an Executive Session before next meeting to consider the options.

### Somerset Inc. Representative

Mrs. Pyle reported that their meeting was cancelled because of the Fire & Ice Festival. She received many positive emails concerning this festival. Next Committee meeting will be with the Economic Development Committee at end of the month.

### Somerset Volunteer Fire Company Report

Mr. Thomas submitted the following:

- There were many fire calls within the Borough concerning malfunctioning carbon monoxide detectors. He recommended replacing them and smoke detectors after 10 years.
- The 4-wheel drive utility vehicle, (4-door 550 Dodge) was purchased from Tri-Star of Somerset, with expected arrival by next month. It will supplement our larger trucks for downed trees, vehicle accidents, etc.
- He asked that anyone being approached with questions on traffic enforcement to bring it to the Chief's attention prior to the meeting, so he can be prepared to address the concern.

### Mayor's Report

Mayor Walker reported that they had their first Public Safety Committee meeting today.

He asked that if anyone should be approached with a question about traffic enforcement, etc. that they bring this to the attention of the Chief before the meeting so they can be prepared to properly address the concern.

### Adjournment

Mr. Shaulis moved to adjourn, motion seconded by Mrs. Opp.

Unanimously Carried.

7:58 p.m.

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