

Council Meeting March 24, 2014

7:00 P.M.

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

Roll Call

Present: Council Members Ruby Miller, Fred Rosemeyer, Judy Pyle, Pam Ream, Sue Opp, Steve Shaulis, Gary Thomas, and Scott Walker, Mayor.

Also present were: Benedict G. Vinzani, Jr., Borough Manager; Brett Peters, Director of Finance; Randy Cox, Chief of Police; John J. Dirienzo, Jr., Borough Solicitor; George Svirsko, Director of Public Works; and Tom Reilly, Consulting Engineer;

Approval of Previous Meeting Minutes

Two corrections noted: Ms. Enos was not present at last meeting – was shown as present. Other correction noted was that the Mayor had not attended the Criminal Justice Advisory Committee meeting. Mr. Vinzani will record the proper corrections.

Motion

Moved Mr. Rosemeyer, seconded by Mrs. Opp to accept the previous meeting minutes, noting the changes.

Unanimously Carried.

General Public

A concern is expressed by Ron Yoder regarding the property at 326 South Franklin Avenue where a resident is accumulating garbage and there is a deteriorating building on the property, creating a safety issue. The owner was given citations earlier. He is also selling cars on the property.

Chief Cox said the police can only address the car sales.

Payment of Bills

Mrs. Pyle moved to pay the following bills – seconded by Mrs. Opp:

Check Numbers: 23526 to 23682

Total Amount: \$463,081.05

Unanimously Carried.

New Business

(a) Unconventional Gas Well Fund

Manager Vinzani referred to the gas well fund Usage Report, required to be filled out annually. These are proceeds that municipalities receive from unconventional gas wells or drillings from Marcellus Shale.

He said we received \$5,304.48 in year 2013 and as in previous years, we have been using these funds for roadway work.

Motion

Mr. Thomas moved to submit the report as prepared, indicating that the \$5,304.48 has been used for construction, reconstruction, maintenance/repair of roadway, bridges and public infrastructure (from the General Fund). Motion seconded by Mr. Rosemeyer.

Unanimously Carried.

(b,c,d.) Mary S. Biesecker Public Library Board of Directors

Mrs. Opp moved, Mrs. Ream seconded, to re-appoint Mona Herrell, Marsha Dykstra, and William Simmons to the Mary S. Biesecker Public Library Board of Directors.

Unanimously Carried.

(e) Daily American 10-K Race

Chief Cox explained that all Public Facilities Usage Requests need to be submitted through the Borough. Additionally, if events will impact traffic on State Highways, a request to Penndot for a Special Event permit must be made. The Police Department had been doing this for the organizations but Penndot changed their rules; permits must now be completed by the organizations.

Mr. Vinzani said this action is an acknowledgement from the governing body of the event, showing that Council approves of the race. It is subject to all insurance certificates previously required and submitted by each of the applicants.

Motion

Mrs. Ream moved, Mrs. Opp seconded indicating Council's approval to hold the race.

Unanimously Carried.

(f) Daily American 10-K Challenge

Mr. Rosemeyer reported on the Finance Committee; three requests were reviewed: Daily American 10-K, Challenge; Daily American Fourth of July Fireworks, and the Nardecchia Spay Neuter Fund. The Committee reviewed and recommends approval and has referred it to Council for final approval.

Motion

Mr. Thomas moved, Mr. Rosemeyer seconded to donate \$500 to the Daily American 10-K Challenge Race, as recommended by the Finance Committee.

Unanimously Carried.

(g) Fourth of July Fireworks

Mr. Rosemeyer moved, Mrs. Opp seconded to donate \$600 to the Fireworks Display Fund.

Unanimously Carried.

(h) Nardecchia Spay Neuter Fund

Mr. Rosemeyer moved to donate \$200 to the Nardecchia Spay Neuter Fund – motion seconded by Mrs. Opp.

Unanimously Carried

(i) Mayoral Proclamation

The Mayor presented the Proclamation that the National Osteopathic Medicine Society asked us to set forth. Osteopathic Medicine Week is from April 13 to 19, 2014. The Proclamation reads:

WHEREAS, there are currently more than 82,000 osteopathic physicians (D.O.'s) in the United States, and;

WHEREAS, D.O.'S have made tremendous contributions to the American Health Care System since osteopathic medicine was founded by Andrew Taylor Still, M.D., D.O., in 1874, and;

WHEREAS, D.O.'s have a strong tradition of ensuring that patients in all parts of the country have access to health care, particularly in rural and medically underserved communities, and;

WHEREAS, D.O.'s believe that a person's lifestyle (including their home, work and social environments) play a significant role in the health of the individual, and;

WHEREAS, D.O.'s practice a hands-on, whole-body approach which includes osteopathic manipulative medicine, to diagnose health problems, treat dysfunctions, preserve good health and prevent the spread of disease, and;

WHEREAS, D.O.'s have treated U.S. presidents, Olympic athletes, contributed to the fight against AIDS, and served on nationwide health care panels, and;

WHEREAS, Somerset's practicing osteopathic physicians are dedicated to improving the health of their community through education and awareness-based efforts, as well as by delivering quality health services, and;

WHEREAS, the citizens of Somerset recognize the need for osteopathic physicians who are committed to improving the health of all Americans;

NOW THEREFORE, I, Scott A. Walker of Somerset, do hereby proclaim April 13-19, 2014, to be National Osteopathic Medicine Week, and urge all citizens and community organizations to support this observance by helping to educate residents about D.O.'s and osteopathic medicine.

He asked Council to approve the Proclamation to this group of physicians, naming National Osteopathic Medicine Week as April 13th through 19th in the Borough.

Motion

Mr. Rosemeyer moved to approve the above Proclamation declaring National Osteopathic Medicine Week in the Borough of Somerset – April 13th to 19, 2014 – motion seconded by Mr. Thomas.

Unanimously Carried.

Committee, Administration, Special Reports

Manager's Report

Mr. Vinzani reported that approximately 21 of our employees have received our Hazmat Preparedness Right-to-Know training.

The Drought Task Force Committee met March 11th – all water companies report adequate supplies.

A Sign Management Webinar was held March 6, 2014, sponsored by PSAB. Some members of Council as well as the Solicitor and staff attended a Heart and Lung Act Seminar, very informative.

Our Finance Committee met March 14, 2014.

He attended Penndot's Citizens Advisory Board meeting. Topics included the CSX Railroad crossing. They viewed the area, with Penndot and other parties. Everything was operating as designed, with no flaws observed.

He reminded all of the Ethic Statements, due by May 1, 2014.

The PSAB April up-date is distributed; he offered to answer any questions.

President's Report

Mrs. Miller announced that Kerry Claycomb is retiring from the Berlin Borough as Executive Secretary after 39 years of service. Council will meet with him Friday evening with a basket at a surprise dinner.

The County Boroughs Association Banquet was held, with 73 attending.

The Republican County Banquet is being held the third Thursday in May. Hooversville will hold the County Association Banquet the 4th Thursday.

A sign is has been hit on Harrison Avenue, one week ago. Mr. Svirsko said they (the state) have been notified about this incident.

The Lions Club has been given a “wish list” of things that we would like them to donate for the playground.

Engineers Report

Mr. Reilly stated that the contractor for the Water Tank Project will begin restoration when the weather improves.

The Redevelopment Authority of Somerset County is opening bids on the next section of the Columbia Avenue relief sewer on March 26th, a significant project. This will alleviate sanitary sewer issues in this area.

Public Works Committee

Mr. Thomas reported the following:

Public Works Crews removed snow from the south side of the 100 block of West Patriot Street.

At this point we have used 2,700 gallons of salt brine; 1,679 tons of salt and 681 tons of anti-skid material.

The Department of Corrections is sweeping sidewalks along the Turnpike Access Road, East Main Street, Plank Road, Public Safety Building and Borough Building parking lots.

Potholes were patched throughout the Borough.

Sanitary Sewer lines were cleaned on Dott Avenue, West Garrett Street, and Edgewood Avenue.

They repaired the East End sewage pump station; installed a storm sewer line on James Street; cleaned sanitary sewer lines; repaired water leaks along Clover Hill Road and Tollgate Road; routine shoveling and salting Borough sidewalks; plowed and salted Borough Streets and parking lots; removed trash; did weekly meter pit readings; grease trap inspections at restaurants; weekly water testing; and unloading of chemicals at the water treatment plant.

Public Safety Committee

Mr. Rosemeyer provided the following report:

The Committee met March 17th; Ruby Miller, Chief Cox and Mayor Walker were present.

They discussed funding for police vehicle cameras.

Officer Phil Staib has retired, leaving a vacancy to fill his position.

Motion

Mr. Rosemeyer moved to declare a vacancy in the police department due to Officer Staib's retirement.

At this point Mr. Dirienzo confirmed that the motion would be to certify that a vacancy exists and refer the matter to the Civil Service Commission. He said he would prefer to see the proposed changes to the Civil Service Commission Regulations approved before creating a vacancy, to avoid confusion.

Mr. Rosemeyer withdrew his motion.

The Solicitor said we need to proceed; starting with the recommendations from the Chief on what changes to consider. He outlined the motion - to authorize the Administration and Solicitor to coordinate with the Chief to develop recommended changes to the Civil Service rules/regulations; and an ordinance if necessary.

Civil Service Rules and Regulations

Mr. Rosemeyer moved to authorize the Administration and Solicitor to develop, in coordination with the Chief, the recommended changes to the Civil Service Rules and Regulations – motion seconded by Mrs. Opp.

Unanimously Carried

Chief Cox said solicitation of applications and hiring criteria is set by our regulations, which are out of date – regulations for entry level have come into conflict with State Law. He said he prefers hiring under current regulations.

The correct procedure is to make changes in the regulations, then declare the vacancy; the new officers are then hired under new regulations. If this requires an amendment to the ordinance, this is what we will do. We have existing ordinances, and State law requires us to do certain things by ordinance.

Mr. Cox added that the Borough Code was also recently changed, having an impact on Civil Service regulations.

Mr. Rosemeyer (continuing with the Public Safety Committee Report) stated that they are looking at a new K-9 vehicle, from the Federal State Surplus fund, and a used vehicle as a the detective vehicle.

They discussed purchasing new protective vests for the officers.

Finance Committee

Mr. Rosemeyer reported the following:

The Committee met on March 14th.

General Fund

Revenues: are 6.92%

Expenses: 17.3%

Water Fund

Revenues: 24.31% (includes Pennvest loan - without Pennvest: 17.87%)

Expenses: 21.85% (includes Pennvest loan - without Pennvest: 15.69%)

Sewer Fund

Revenues: 16.07%

Expenses: 15.05%

He said they spoke about the three donations that were approved and about snow removal – the materials were approximately \$41,000 and including labor and snow removal, nearly \$60,000. Council acknowledges that the maintenance crew received many good comments and thanks concerning their snow removal work.

They will be checking potholes and paving for this year.

Somerset, Inc.

Mrs. Pyle reviewed the following:

They are preparing for their 20th Anniversary. A suggestion is for merchants to do something with the number 20, such as 20% off on specials, etc., to celebrate the anniversary.

The “Rockin’ on the Ridge” appears to have gone by the way-side, with too much detail to work out. They were going to do something in conjunction with the motorcycle event in Johnstown but there could be a problem with open containers, etc.

Concerning Crazy Alice’s Restaurant, she said they would like to see more of the buses going to Flight 93 and other destinations, coming into town.

They are checking historic signage. She suggested smaller signs, to be more visibly historic and placed on every building. She suggested talking to the owners concerning adding a code on each, for additional information on the buildings.

The Stumpf Building has been purchased by a model train club.

A Massage Therapist will be located beside the Café Fratelli Restaurant, which has left.

A Community Kitchen is being considered, and they will be touring the various other places for possibilities of opening a business.

The Trinity Park Committee asked if the Borough could help with shoveling/salting.

Crazy Alice's Restaurant will be holding a fund raiser in the park, on August 2, 2014.

Several attorneys volunteered to look at the deeds, following a survey. We have an offer of \$3,000 and all other estimates were approximately \$4,500. We collected \$44,200 from our matching funds from pledges, with an additional \$2,900 expected.

Somerset Volunteer Fire Department

Mr. Thomas reported the following:

The Fire Department had 183 calls – many with automatic fire alarms and minor vehicle accidents – mostly nuisance calls.

CPR/First Aid Class begins Tuesday evening.

Cell phone service was installed – calls can now be answered in the prep room, etc.

The new utility truck is almost ready, with several minor things to be added.

The Department has “cash bash” scheduled for Saturday, May 10th between 1 p.m. and 5 p.m.

The Fire Department was contacted regarding the surplus furniture, file cabinets, etc. from the Social Security office that is closing. This is being coordinated by Officer Borosky. The Police and Fire Department have benefitted, and other fire departments were given what was left over.

Solicitor's Report - Update on the CSX Railroad Crossing

Mr. Dirienzo said the new facility and lights will consist of a single, 27- foot long gate that will obstruct lanes of traffic coming to town. The Borough is responsible for traffic signal lights.

Mayor's Report

Mayor Walker said he was asked to provide an update on defibrillators. The Fraternal Order of Eagles Club approached the Borough about a donation to place portable defibrillator devices in police cars. Chief Cox stated that when placing a defibrillator with police officers, it is important for our liability insurance purposes, to have the chain of command with use of the device; otherwise it could become a liability issue.

The Mayor explained the device and advised taking advantage of it. He reiterated that we must be aware of the legalities and liabilities, which could become a major issue.

Executive Session

Mrs. Opp moved to enter into Executive Session for the purpose of potential litigation - motion seconded by Mr. Shaulis.

Unanimously Carried.
8:00 p.m.

Meeting reconvened, 8:20 p.m.

Solicitation for Funding for Video Cameras in Police Vehicles

Mr. Walker asked permission to solicit service clubs / groups and others regarding funds for cameras in police cars, via a Borough letterhead etc. or whatever appropriate. Three agencies were mentioned - Police Committee, Finance Committee and Borough Council. Mrs. Opp suggested including insurance agencies. Mr. Vinzani said we might consider Full Council authorization for more emphasis, and so that people will know that it is a Council-authorized activity.

Mrs. Ream moved to have Full Council authorize the solicitation for funding for video cameras for police vehicles. Motion seconded by Mrs. Opp.

Unanimously Carried.

Adjournment

Mr. Shaulis moved; Mrs. Pyle seconded to adjourn.

Unanimously Carried.
8:20 p.m.

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