

## **BOROUGH OF SOMERSET COUNCIL MEETING**

**June 23, 2014 – 7:00 p.m.**

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

### **Present:**

Council members present: Ruby Miller, Fred Rosemeyer, Pam Ream, Sue Opp, Steve Shaulis, Gary Thomas. Also present was Scott Walker, Mayor.

Others present: Benedict G. Vinzani, Jr., Borough Manager; Michele Enos, Assistant to the Borough Manager; Brett Peters, Director of Finance; Randy Cox, Chief of Police; Tom Reilly, Consulting Engineer; and George Svirsko, Director of Public Works.

### **Approval of May 19<sup>th</sup> Meeting Minutes**

Mrs. Ream moved; Mr. Shaulis seconded approval of the May 19, 2014 meeting minutes.

Unanimously Carried.

### **Bid Opening**

Mr. Vinzani reported that bids for our 2014 Paving projects were public opened; advertised; and opened. One bid was received, from New Enterprise Stone & Lime Company, for \$115.50 per ton applied, with an estimated total price of \$35,450.80, to be awarded at the unit price of \$115.00.

### **Motion**

Mr. Rosemeyer moved to accept the bid as recorded, seconded by Mrs. Opp.

Unanimously Carried.

### **Public Comments**

#### **(a) Spay & Neuter Fund**

A representative from Nardecchia Spay and Neuter Fund, (Lu Ann) spoke on the importance of animal control. They discussed the feral cat problems. She said donations were made, food was provided, but no veterinarians offered to cooperate with the spay / neutering. Police Chief Cox pointed out the law against abandoning cats, which can result in a citation for cruelty to animals.

Lu Ann said rabies shots are required for house pets but not for farm or stray cats. She distributed information, and offered to help with the spay / neutering.

Discussion ensued regarding possible sources of help; what the Humane Society might offer; vaccination requirements, and the fact that cats are not regulated like dogs.

(b) Gloria Miller: Re: Flooding

Ms. Miller expressed concern about the flooding problem at Kimberly and East Garrett Streets. She said she has been getting front and back yard flooding for 30 years, and the curbing that was put in did not help. (She passed out photos).

A lengthy discussion covered questions on location of catch basins; previous work done - flapper valves not working; piping too small. Mr. Svirsko described the problems and work that has been completed. The Borough will dye-test to check for rainspouts or downspouts tied into the sanitary lines, and check inlets and catch basins. He said it is a Borough-wide problem. A ditch behind Kimberly Avenue was cleaned two years ago, but the Borough section was clogged. He will check this out and try to pinpoint any infiltration.

The railroad expressed concern about their tracks; private areas would need a right-of-way; a drain pipe had nothing coming out of it.

Sean Garrigan presented a complaint involving the Columbia Gas Company project removal of several large trees in connection with a gas line replacement. One tree blocked the view from motorists proceeding west, blocking the traffic signal at Franklin Street. With the site line now opened, speeding has become a problem. He requested additional speed enforcement. They discussed the problem at West Main Street, with speeding trucks going to Herring Motors.

(c) Eagle Scouts

Jared Coleman was introduced, a senior at Somerset High School; Boy Scout Troop No. 131 working to receive the rank of Eagle Scout. He must first prepare a service project.

He said he would like to have Council's permission to clean, repaint and repair the historical cannon located between West Patriot and Tayman Avenue, as an Eagle Scout Project.

Mr. Vinzani said we (the Borough) do not own the cannon and therefore cannot give permission; the Solicitor said the Borough owns the land.

**Motion**

Mr. Thomas moved to permit Jared Coleman use our land for the purpose of working on the cannon, to receive his Eagle Scout rank. Motion seconded by Mrs. Opp.

Unanimously Carried.

**Payment of Bills**

Mrs. Ream moved to pay the following bills, motion seconded by Mrs. Opp:

Check Nos. 23966 to 24147                      Total Amount: \$509,704.92

Unanimously Carried.

**New Business**

(a) **Penndot**

Mr. Vinzani reported that Penndot stated they are paving Route 31 and want to do Harrison Avenue along with their other paving. They consulted their legal department and received concurrence that they can pave the Borough's portion of Harrison Avenue. They will need a letter from us, signed by Council President giving our permission to do repairs/pave that portion of highway. They require us to adjust any manholes during the paving and we will be coordinating the risers during this project.

**Motion**

Mrs. Opp moved to authorize Penndot to repair and pave Harrison Avenue – motion seconded by Mrs. Ream.

Unanimously Carried.

(b) **Resolution No. 4 - Pension Funds**

Mr. Vinzani reported that we annually deposit Commonwealth monies into the Borough pension plans, divided among our three plans based on actuarial needs of each plan

**Motion**

Mr. Thomas moved; Mr. Shaulis seconded to approve the following Resolution:

**Resolution No. 2014-04**

*WHEREAS, the Borough of Somerset has received a direct deposit from the Commonwealth of Pennsylvania dated September 23<sup>rd</sup>, 2013 in the amount of One Hundred Ninety Thousand, Three Hundred Thirty Three and 57/100 (\$190,333.57) Dollars, representing the Commonwealth's allocation from the General Municipal Pension State Aid Program, and;*

*WHEREAS, Act 205 of 1984 provides that pension allocations must be deposited into the Municipal Pension Plan within thirty (30) days of receipt by the Municipal Treasurer, and;*

*WHEREAS, the governing body must determine by Resolution the amount to be distributed into its various plans;*

*NOW THEREFORE, BE IT RESOLVED, that Forty Eight Thousand One Hundred Ninety Four and 57/100 (\$48,194.57) Dollars be allocated to the Non-Uniformed Collective Bargaining Pension Plan; and One Hundred Forty-Two Thousand One Hundred Thirty Nine and 00/100 (\$142,139.00) Dollars be allocated to the Police Pension Plan.*

Unanimously Carried.

(c) **Resolution No. 5 – Police Pension Plan – Waiving Member Contributions**

Mrs. Ream moved; Mrs. Opp seconded to approve the following Resolution:

## **Resolution No. 2014-05**

*WHEREAS, Ordinance No. 1144, Section XI relating to the Police Pension Fund states that the monthly contributions for participants may be reduced or eliminated by an annual Resolution if an actuarial study annually indicates that such reductions or elimination for that year will not adversely affect the actuarial soundness of the fund, and;*

*WHEREAS, a letter dated June 6<sup>th</sup>, 2014 from Mark K. Dunbar Thomas P. Weber, M.A.A.A., E.A., M.S.P.A. Consulting Actuary, Dunbar, Bender & Zapf, Inc. states that “the Borough may eliminate employee contributions in the Police Plan for year 2014 . . .*

*NOW THEREFORE, BE IT RESOLVED, that the five (5) percent contributions from Police Officers for the year 2014 be eliminated.*

### **(d) Fire Alarm Ordinances – Updates**

Mr. Thomas stated that the Fire Department is looking to address the many false alarms they are experiencing. An ordinance is outdated (August of 1971). It was explained that with the different situations with burglar alarms and fire alarms to the fire department, they cannot know if it is false when receiving an automatic alarm – they had six of them last month. The compliance of the ordinance needs to be updated.

Discussion ensued, covering finding a solution and making sure that automatic dialers are screened.

### **(e) Air Pollution – Outdoor Burning**

A situation concerning burn issues was reviewed, regarding what can be burned; use of burn rings; air pollution. Clearer definitions will be looked at. Mr. Dirienzo said there are outdoor burning regulations and this will be examined with the Fire Chief and Borough Manager.

## **Committee, Administration, Special Reports**

### **Manager’s Report**

Mr. Vinzani presented the following:

The Drought Task Force met – all water companies report adequate water supplies.

The Finance Committee met June 16<sup>th</sup>.

Webinars attended: Emergency Management Operations training and Neighborhood Blight Reclamation and Revitalization.

### **President’s Report**

Mrs. Miller congratulated Mr. Thomas on the “2014 Exchange Club of Somerset Book Golden Deeds” award.

Mr. Rosemeyer reported that he represented the Board for the PSAB and presented an award to the Borough of Seven Springs. Senator Kasunic presented the award on behalf of the Senate, and Representative Carl Metzger presented an award on behalf of the House of Representatives.

He said Senator Kasunic will be leaving in November, after 40 years as Senator and Representative, and he thanked him for all he has done for Somerset Borough, Somerset Hospital and the college.

Mrs. Miller asked about placing a caption on recycling in the newspapers, to advise everyone to place everything in the blue bin, since many believe they need to have 3 or 4 different bins set out. Our truck driver picks from one bin.

She asked all wishing to participate in the Somerfest parade to sign up.

A project for placement of security cameras is being planned - for the main entrance, at the bathroom, and the Lions Club offered to help install one at the back entrance. Mr. Vinzani will be checking on costs. Chief Cox suggested contacting the MEI web-based cameras.

Mrs. Miller said this security is necessary, for safety of the children.

She asked about the swimming pool – Mr. Vinzani said they will be painting it after some concrete overlay work.

### **Engineer's Report**

Mr. Reilly stated that the Pennvest Project is \$200,000 to \$225,000 under budget. They are preparing for another low interest financing project preparing a design to replace another section of water transmission line. The Change Order will be approved when it is ready to be executed. Mr. Dirienzo said this is the same kind of work, same contractor, with the existing unit prices already bid.

### **Public Works & Equipment Committee**

Mr. Thomas reported the following activities on behalf of the Public Works Department:

- They cleaned the storm sewers in the Brierwood area.
- Painted uptown parking spaces in the business district.
- Removed defective fencing on upper side of Union Street playground parking lot.
- Installed manhole bowls on sanitary sewer manholes along Musselman Avenue and South Kimberly Avenue.
- Painted crosswalks in front of Union Street playground.
- Started seal cracking on some streets in Brierwood.
- Cleaned the sanitary sewer line along West Garrett Street.
- Installed the handicap accessible swings at the playground.
- Replaced a stop sign at Harmon Street and North Center Avenue.
- Will be bidding to sell surplus equipment at the July Council meeting.
- Recent rains resulted in numerous requests for storm management projects, specifically in areas of Forest Avenue, Brierwood Drive, Williams Street, Crestview Drive, Bridgeview Drive and Dott Avenue.

- They will host a “Crack Sealing” demonstration on July 1 at 9:00 a.m. at the Municipal Building. Other municipalities are invited to attend.

Other work being done is watering uptown flowers, mowing grass, collecting trash, weekly meter pit readings, restaurant inspections, water testing and monthly unloading of chemicals at the water treatment plant.

### **Public Safety Committee**

Mr. Rosemeyer said their committee discussed overtime issues. An ordinance is in effect but it is not enforced. They questioned removing it. Solicitor Dirienzo said the procedure would be for the Ordinance to be circulated to Council, then repealed.

Mr. Rosemeyer mentioned that we need to allow the Chief up to \$10,000 for purchase of a vehicle to replace the detective’s Unit – the 2002 Malibu won’t pass inspection. We also need a motion to replace the current K-9 unit and the 2005 Explorer, with 170,000 miles - purchase includes a trade-in of the current unit at \$9,920.55 with \$100 placed as a deposit.

### **Motion**

Mrs. Ream moved to approve purchase of the 2007 Ford Explorer – motion seconded by Mr. Rosemeyer.

Unanimously Carried.

### **Motion**

Mr. Thomas moved, Mrs. Opp seconded to approve purchase of the Malibu.

Unanimously Carried.

They discussed overtime details – it will drop slightly because school is out.

Mr. Vinzani referred back to the ordinance previously discussed at the Public Safety Committee meeting, and asked if Council intends to direct our solicitor on this ordinance tonight, the ordinance establishing 32 hours for part-timers and overtime under certain conditions (32 hours a week; total of 64 hours total). We must decide whether the intention is to have the complete ordinance repealed or only sections of it.

Dirienzo: the ordinance was passed when part-time officers were getting a lot of hours, and Council decided that, except for emergencies, part-time police would be maxed out at 32 hours per week.

Chief Cox: they are generally scheduled at 32 hours per week but this is before court. It is not uncommon for an officer to end up working in excess of 32 hours.

Mr. Vinzani said he can circulate the ordinance in his notes so all can become familiar with it since there was a reason for its establishment and if the reason no longer exists, then it may be something Council needs to look at changing. He will have council look at the ordinance then decide if it should be repealed.

## **Finance Committee**

The Year-to-Date budget review was presented by Mr. Rosemeyer. With 41.67% of the budget year past the following report was given:

### **General Fund**

Revenues: 62.73%  
Expenses: 37.25%

### **Water Fund**

Revenues: 53.36% with Pennvest Loan proceeds  
Revenues without Pennvest proceeds: 42.77%

Expenses: 43.83%; with the Pennvest Water Loop Project  
Expenses without the Pennvest Project: 37.67%

### **Sewer System Fund**

Revenues: 38.40%  
Expenses: 35.90%

## **Somerset Volunteer Fire Department**

Mr. Thomas reported responding to many flooding calls in the Borough, many with groundwater coming in through foundations. They are up to 298 calls so far this fiscal year.

They discussed curbing automatic fire alarms.

They will be helping with the Wounded Warrior Project in Ligonier on Wednesday.

## **Solicitor's Report**

Mr. Dirienzo stated that he was contacted by Mr. Boose, working for Somerset Inc. with survey work, and discovered that they do not own as much of Trinity Park as they believed. The Borough owns land approximately 6 feet north of the retaining wall therefore their property line is 6 feet north.

In resolving this, first would be doing nothing. Second would be a "consentable line" – a principal used in other real property matters where adjoining neighbors owning adjoining properties agree that from and after a certain time, a line will become their property line.

Now the evidence is clear that 6 feet belongs the Borough so we would have to go through certain procedures. The third option, which he would recommend, is to give Somerset Inc. a permanent easement to use this ground, subject that the use would be as it is now. Second condition would be that if we ever needed to use this ground, such as to maintain our wall behind, that we wouldn't need their consent.

Next provision would be that it would be non-assignable without our prior approval and consent. These three conditions protect the Borough's interest. The park will be controlled by Somerset Inc. and if they ever dissolve, the Borough still owns this portion.

**Mayor's Report**

Mayor Walker said the Borough will utilize services of Ashlyn Fratto as an intern in the Police Department. Mr. Cox said she will be going through a version of our Field Training Officer Program and will spend time with each of our units and our accreditation efforts. Projects will be to write a protocol for all future interns.

Mr. Rosemeyer attended a PSAB Conference and brought material from various vendors for Mr. Vinzani.

Executive Session

**Motion**

Mr. Thomas moved to enter into Executive Session – motion seconded by Mrs. Opp.

Unanimously Carried  
8:35 p.m.

Executive session ended at 9:02 pm.

**Motion**

Mr. Rosemeyer moved to adjourn – motion seconded by Mrs. Opp.

Unanimously Carried.  
9:03 p.m.

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Benedict G. Vinzani, Jr.  
Borough Manager, Secretary