

Council of the Borough of Somerset

347 West Union Street

Somerset Pa. 15501

Council Meeting May 23, 2016

7:00 p.m.

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

Roll Call:

Present:

Members of Council: Ruby Miller; Judy Pyle, Pam Ream, Sue Opp, Steve Shaulis, Gary Thomas. Mayor Scott Walker was also present.

Absent:

Council member: Fredric Rosemeyer.

Also in attendance:

Borough Manager Michele Enos; Director of Finance Brett Peters; Police Chief Randy Cox; Solicitor James Cascio; Consulting Engineers Thomas Reilly and Jake Bolby; Public Works Director George Svirsko; and Assistant Manager Joshua Summits.

Approval of Previous Meeting Minutes

Gary Thomas moved, and Steve Shaulis seconded to approve the minutes of the previous Borough Council meeting of April 25, 2016.

Unanimously Carried.

Bid Awards

(a) Computer Monitoring System - Water Treatment Plant - Ms. Enos said we received two bids, with the lowest bid from Optimum Controls Corporation in the amount of \$94,164.00. The bids were reviewed by our Engineer and Solicitor.

Motion

Sue Opp moved to award the bid for the Water Treatment Plant Computer Monitoring System to Optimum Controls Corporation, in the amount of \$94,164.00; motion seconded by Pam Ream.

Unanimously Carried.

(b) Trickling Filters Repairs - Sewage Treatment Plant

Ms. Enos pointed out that this is a maintenance project at our sewage treatment plant, and that we had budgeted for it this year.

Motion

Mrs. Opp moved to award the bid for repair of the trickling filters to the lowest responsive bidder, Hickes Associates, Inc., in the amount of \$242,000 (contingent upon final review from our Solicitor) – motion seconded by Mr. Shaulis.

Unanimously Carried.

Administrative Business

Payment of Bills

Gary Thomas moved, Sue Opp seconded to pay the following bills:

Check Numbers: 27601 to 27731

Total Amount: \$325,400.25

Unanimously Carried.

New Business

(a) **Resolution No. 2016-10** – A Resolution updating and designating the Borough’s Code Enforcement Officers.

Motion

Sue Opp moved, Pam Ream seconded to execute the following Resolution designating the Borough’s Code Enforcement Officers:

BE IT RESOLVED that:

1. Michele A. Enos, Tom D. Jury, and Michelle Swauger, each of them (the “Appointees”), shall, from and after the date hereof, be a Law Enforcement Officer within the meaning of the Pennsylvania Rule of Criminal Procedure 103, and shall have full power and authority to enforce the following codes, ordinances, rules and regulations (the “Enactments”):

Somerset Borough Ordinance No. 725 regarding Unsafe Buildings, as the same presently appears in the Somerset Borough Code, Chapter 94, Sections 94-1, et seq.

Somerset Borough Ordinance No. 994 regarding Vacant Buildings, as the same presently appears presently in the Somerset Borough Code, Chapter 95, Sections 95-1, et seq.

The BOCA Basic Property Maintenance Code of 1981, as the same was adopted into the laws of the Borough of Somerset.

The Uniform Construction Code, as the same was adopted into the laws of the Borough of Somerset.

All other laws, ordinances, rules and regulations of Somerset Borough, whenever enacted, that by their express terms are enforceable by a Somerset Borough Code Enforcement Officer or other elected, employed appointed officer or official.

2. When acting under the terms of this Resolution and the Enactments, the official title of the Appointees shall be “Code Enforcement Officer” or “Somerset Borough Code Enforcement Officer”.

3. When acting within the scope of the authority granted by this Resolution, each Code Enforcement Officer shall have the power and authority, together with the privileges and immunities, allowed by law and the Enactments.

4. The official acts of all previously-appointed Code Enforcement Officers are hereby ratified and approved, and this Resolution revokes the authority to enforce the Enactments of all persons other than the Appointees.

I, Michele A. Enos, Secretary of the Borough of Somerset, do hereby certify that I am the Borough Secretary of the Borough of Somerset, Somerset County, Pennsylvania, and I do further certify that the text set forth herein above is a true and correct recitation of the Motion and Resolution adopted by Somerset Borough Council at its regular meeting held on Monday, May 23, 2016, at which a quorum was present and voting.

Unanimously Carried.

(b) Kenneth & Susan Sube – Minor Subdivision Request

The Somerset Borough Planning Commission has reviewed and has recommended that Council approve the Minor Subdivision Request of Kenneth and Susan Sube.

Motion

Mr. Shaulis moved; Mrs. Opp seconded to approve the recommendation of the Somerset Borough Planning Commission approving the Minor Subdivision request of Kenneth and Susan Sube.

Unanimously Carried.

(c) Mary S. Biesecker Public Library – Request to re-appoint Annette Isgan to its Board of Directors

Motion

Mrs. Ream moved to approve the Mary S. Biesecker Public Library's request to re-appoint Annette Isgan to a three-year term on their Board of Directors – motion seconded by Mrs. Opp.

Unanimously Carried.

(d) **Walters Supply, Inc.**

Ms. Enos explained that this is a request for authorization to approve a refund of property taxes in the amount of \$861.52 for Year 2016 due to a Court Stipulation based upon an assessment appeal of the appraised value of the property not the sale price of the property.

We recommend its approval, and authorize Attorney Daniel Rullo to execute this on behalf of the Borough.

Motion

Mr. Thomas moved, Mrs. Opp seconded approval of a Property Tax Refund to Walters Supply Inc. in the amount of \$861.52 for year 2016.

Unanimously Carried.

(e) **2016 Sodium Fluoride Bid Award**

Ms. Enos explained that the Year 2016 Sodium Fluoride Bid Award was executed approximately two months ago.

Part of the bid specification language states that they can withdraw their bid within sixty (60) days, which they did, stating that they made an error in quoting \$20.98 for a 50-lb. bag, which should have been \$42.95. We have already purchased what we believe to be our supply for the year. We will confer with Solicitor Cascio to see if anything further needs to be done.

(f) **South Pleasant Avenue Construction**

Ms. Enos said our Engineers were authorized by Council to provide cost estimates for the extension to South Pleasant Avenue. The Developer Michael Boland approached Council a while back and provided a price of \$90,000 for repaving that section of South Pleasant Avenue. Our Engineer's Cost Estimates have been completed and the Somerset County Economic Development Council can utilize those estimates to apply for a grant from the Southern Alleghenies Planning & Development Commission for the construction to fund the construction of this road.

Two options were returned:

Option 1 – to complete the road with a cul-de-sac at end of the street, all up to PennDot standards, at approximately \$700,000.

Option 2 – the same type of scenario except for tying into Garrett Street. This would be more costly because of extra rights-of-ways, at \$1,259,000.

Council is being asked to support the Somerset County Economic Development Council's application to apply for a grant using these cost estimates.

She said we would take this to Council provided there is no financial support required; otherwise we would ask Southern Alleghenies Planning/Development Commission to let us know.

They are looking for our support of the project. If they are financed through this grant and the road is built to Penndot's standards, we normally accept it and then continue to maintain it; we receive Penndot liquid fuels funds for maintenance of the streets.

Motion

Mr. Thomas moved, seconded by Mrs. Opp to request Council's approval for this project, contingent upon no financial support from the Borough.

Unanimously Carried.

(g) Somerset Daily American Donation Request

The Borough's Finance Committee is recommending a \$600.00 sponsorship donation toward the Daily American's Annual 4th of July Fireworks Display.

Motion

Mrs. Ream moved, Mr. Shaulis seconded, to approve the Finance Committee's recommendation for a \$600 donation for the Daily American's Annual Fourth of July Fireworks Display.

Unanimously Carried.

(h) November Borough Council Meeting Date Change

Motion

Mrs. Ream moved to have the November Council Meeting date changed from November 28th 2016 to November 21st 2016 due to the Holiday (First day of Buck Season) and to advertise the change – motion seconded by Mr. Shaulis.

Unanimously Carried.

(i) **December Council Meeting Date Change**

Motion

Mrs. Opp moved to have the December Council Meeting date changed from December 26th 2016 to December 19th 2016 due to the Christmas Holiday and to advertise the change – motion seconded by Mr. Shaulis.

Unanimously Carried.

(j) **Tree Trimming - Request of the Somerset Fire Department**

A discussion ensued concerning a request from the Somerset Volunteer Fire Department. Tree limbs throughout town are causing scratches to their new ladder truck, and some will require trimming.

It was mentioned that any tree trimming should be done so as not to damage the trees; phone lines etc. and that we should prepare a plan for accomplishing this in conjunction with Miguel Saviroff of the Penn State Agricultural Extension Office in Somerset, who can advise us on the proper way to trim trees without harming them.

Motion

Mrs. Opp moved to authorize a study providing options, and recommendations to Council – motion seconded by Mrs. Ream.

Unanimously Carried.

(a) **Manager's Report**

No report at this time. She will defer until Executive Session.

(b) **President's Report**

Ruby Miller reported the following:

- The Somerset County Boroughs Association Meeting was held. She described the meeting and encouraged all to attend, for updates on important issues.
- In response to a question concerning parking meters, Ms. Enos said we have an offer on the meters, but are waiting on a counter-offer.
- Mrs. Miller mentioned the sirens at the State Highway Garage and on Harrison Avenue. Based on information received from Richard Lohr of the Somerset County Emergency Management Agency, the sirens were placed there in 1970 by the Civil Defense Agency and the Borough with grant money. She says the Borough owns and is responsible for them, along with the Township.

(c) **Engineer's Report**

Mr. Reilly reported the following:

We had our first “conference call” with Pennvest concerning the Hickory Hill Water Tank Replacement Project. The Pennvest loan closing is set for September 8, 2016.

(d) **Public Works & Equipment Committee**

- A meeting was held this evening – they discussed the trees that may need trimmed.
- A machine was described that will spin off old paint on fire hydrants and get rid of winter snow. We can rent it for one month for less than \$2,000 dollars. Since there are less than 600 hydrants in the Borough and Industrial Park, we can have them painted this summer. They agreed that it is more cost-effective to rent the machine, rather than buy.

Mr. Svirsko added a listing of work since last meeting:

- Landscaping was finished near the Jenny Corp along Pleasant Avenue.
- Sanitary sewer lines were cleaned on Tayman and Pleasant Avenues.
- Traffic light repairs were made at Franklin and Tayman Avenues
- Sanitary Sewer manholes were checked during the recent rain event.
- We marked and cleaned water valves for our annual water system flushing program.
- A water line problem at the playground was corrected.
- Repairs to Storm Sewer Inlets were done on Kimberly, Race, and Union Streets as well as Colby Avenue.
- Damaged stop signs at Autumn Drive and Church Street were repaired.
- Sanitary sewer manhole was repaired at Stadium Drive.
- A water valve was replaced on Clover Hill Road, to repair a leak.
- Two sanitary sewer manholes were raised at North Center Avenue near Wendy's and Verizon.
- Routine work consisted of trash pickup, grass cutting, one-calls, meter pit sampling, gas detectors, street sweeping, pothole patching, brush/grass hauling.

(e) **Public Safety Committee**

Mrs. Pyle's report:

- Comments concerning Patriot Street fire.
- They discussed problems / solutions regarding accidents at the intersection at Patriot Manor.
- Closing of the bridge on North Center Avenue was discussed.
- Officers' injuries were mentioned – the Chief said most were non-preventable.
- She said they reviewed traffic accidents. Many now appear to be at Tayman Avenue and Franklin Street. Mr. Thomas said it is believed that certain power and cable lines may obstruct the view.
- Mr. Thomas mentioned the proposed bridge on Route 601 is going to be a fiasco, with concern about tonnage limit. This can have a major impact on the town.
- Chief Cox asked if Council could direct Ms. Enos to write a letter to our State Senator concerning the Wire Tap Law regarding use of "body

cameras”. He explained that body cameras with audio are currently prohibited by State Wire Tap Law, and he wants to avoid possibly making a wrong choice by purchasing cameras that may not be approved.

Motion

Mr. Thomas moved, seconded by Mrs. Opp, to have Ms. Enos write a letter to our State Senator in reference to use of the Body Cameras.

Unanimously Carried.

(f) **Finance Committee**

Mr. Peters reported that the Finance Committee met on Friday. The Financial Report from January 2016 through April 2016 (the 33.33% point of the year) is as follows:

General Fund

Revenues: 29.41%

Expenditures: 29.80%

Water Revenue Fund

Revenues: 35.60%

Expenditures: 37.34%

Sewer System Operating Fund

Revenues: 30.40%

Expenditures: 25.11%

(g) **Somerset Inc.**

Mrs. Pyle reported:

- The Somerset Inc. Board met three times.
- The Trinity Park planting was started Saturday, with flowers from the Garden Club.
- They are expecting to be finished with the DCNR grant by end of June.
- Post cards went out in the Chamber of Commerce newsletter requesting donations for Trinity Park.

(h) **Volunteer Fire Department**

Mr. Thomas reported that they have received 245 calls so far. The Department is also kept busy with training.

(i) **Solicitor's Report**

Solicitor Cascio mentioned that he is working on an Ordinance amending our parking regulations. It was noted that we may add a provision stating that these new features can be essentially tweaked by a Resolution from Borough Council so that it can be fine-tuned for special occasions, to give the Mayor/Chief the ability to suspend parking regulations until the next regular meeting of Borough Council.

We can finalize the plan on the proposed ordinance and add suggestions regarding residential parking. It was suggested to make residential parking permits for a shorter duration and temporary visitor permits. The ordinance does allow for the Chief to adopt rules and regulations, subject to approval by Council that would allow fine-tuning to respond to situations, to make it more flexible without having to change the law. This is the approach he will take with the draft ordinance. The proposed ordinance should be ready for consideration at our next Council meeting.

(j) **Mayor's Report**

A question was asked concerning a permit for the Memorial Day Parade. Ms. Enos said the application for the Parade was submitted to Penndot.

Mayor Walker said we have two re-certifications and three new officers now qualified to become Motorcycle Officers. This is a benefit to the Borough as gas prices rise. This means less gasoline use. We are probably getting ten miles to a gallon on our Police cruisers. Chief Cox estimated that we can run a motorcycle for two weeks on the same amount of gasoline that it takes to run a cruiser per shift.

Executive Session

President Miller announced that Council was going into Executive Session at 7:56 pm.

Council came out of Executive Session at 9:00 pm.

Adjournment

Sue Opp moved, Pam Ream seconded, to adjourn the meeting.

Unanimously Carried – 9:00 p.m.

Michele A. Enos, Borough Manager / Secretary