

**Council of the Borough of Somerset**

**347 West Union Street**

**Somerset Pa. 15501**

**Council Meeting August 29, 2016**

**7:00 p.m.**

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

**Roll Call:**

**Present:**

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

**Not Present:**

None. (All members of Borough Council present)

**Also in attendance:**

Borough Manager Michele Enos; Director of Finance Brett Peters; Public Works Director George Svirsko; Solicitor James Cascio; Consulting Engineers Thomas Reilly and Jake Bolby.

**Approval of Previous Minutes**

Mrs. Ream moved, Mrs. Opp seconded approval of the minutes of the July 25<sup>th</sup>, 2016 meeting of Somerset Borough Council.

Motion Unanimously Carried.

## **Award of Bid**

### **a) 2016 Paving Project**

Manager Enos announced that no bids were received. October 31<sup>st</sup> is the deadline for paving streets under the bid price. We do not have time to re-bid the project and have it completed.

### **b) 2016 Seal Coat Project**

Ms. Enos explained the one bid received for the Seal Coat Project, is from Russell Standard Corporation, Mars, PA. We typically award by unit price therefore the single seal coat price is \$1.23 per unit and \$2.80 for the double seal coat.

Our recommendation is to award the bid for the total seal coat project to Russell Standard Corporation, in the amount of \$35,088.73.

## **Motion**

Mrs. Opp moved to award the bid to Russell Standard Corporation in the amount of \$35,088.73 – motion seconded by Mr. Shaulis.

Motion Unanimously Carried.

## **General Public Comments**

### **Boy Scouts**

Mrs. Miller said the Boy Scouts are here for their “Citizenship in the Community” Merit Badge. The Mayor said we are pleased to have their presence here this evening.

### **Kevin and Laura Miller**

The Kevin and Laura Miller from Cherry Lane stated that they wish to address Council concerning the stream on Cherry Lane. They are concerned about the severe storms and ask if there is anything more they can do to move progress for the waterway along Cherry Lane.

Mrs. Enos said this consists of two projects that we incorporated into one, with a Community Development Block Grant through the Redevelopment Authority of Somerset County, which has not yet been received. She said she discussed this with Mr. Svirsko about possibly doing temporary sandbagging until this funding becomes available.

**Mr. and Mrs. Mike Skiver**

Mr. and Mrs. Skiver were present concerning their property located at 132 South Center Avenue. Mrs. Skiver said they have completed everything plus more that they were asked to do by the Borough, and would appreciate having it revisited.

She said she would like to have this completed and reopened before winter since all their investments are in this rubble.

**Payment of Bills**

Motion

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

Check Numbers: 28036 to 28207 – Total Amount: \$405,810.03

Motion Unanimously Carried.

**New Business**

**(a) Resolution No. 2016-12**

Motion

Mr. Rosemeyer moved to approve Resolution No. 2016-12 authorizing the Borough Manager to submit a grant application to the Tree Revitalize Program in the amount of up to \$10,000.00 – motion seconded by Mrs. Ream.

Resolution No. 2016-12

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERSET, PENNSYLVANIA, AUTHORIZING THE BOROUGH MANAGER TO EXECUTE THE FILING OF A PROPOSAL FOR FUNDS WITH THE TREE VITALIZE PROGRAM.

WHEREAS, the Borough of Somerset is desirous of obtaining funds from the Community Foundation for the Alleghenies in the amount of up to \$10,000.00.

WHEREAS, the Borough of Somerset is developing a funding package to conduct streetscape improvements in the Uptown Somerset section of the Borough.

NOW THEREFORE, BE IT RESOLVED, that the Borough Manager of the Borough of Somerset is hereby authorized and directed to submit a grant application to the Tree Vitalize Program in the amount of up to \$10,000.00.

Motion Unanimously Carried.

**(b) Resolution No. 2016-13**

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to accept the following Resolution:

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SOMERSET, PENNSYLVANIA, AUTHORIZING THE BOROUGH MANAGER TO EXECUTE THE FILING OF A PROPOSAL FOR FUNDS WITH THE COMMUNITY FOUNDATION FOR THE ALLEGHENIES.

WHEREAS, the Borough of Somerset is desirous of obtaining funds from the Community Foundation for the Alleghenies in the amount of \$5,000.00.

WHEREAS, the Borough of Somerset is developing a funding package to conduct streetscape improvements in the Uptown Somerset section of the Borough.

NOW THEREFORE, BE IT RESOLVED, that the Borough Manager of the Borough of Somerset is hereby authorized and directed to submit a grant application to the Community Foundation for the Alleghenies in the amount of \$5,000.00.

Motion Unanimously Carried.

**(c) Resolution No. 2016-14**

Motion

Mrs. Ream moved, Mr. Rosemeyer seconded to accept the following Resolution:

A RESOLUTION OF THE BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA, ADOPTING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF SOMERSET TO INCREASE ITS TERM OF EXISTENCE TO A DATE NOT EXCEEDING 50 YEARS FROM THE DATE OF APPROVAL OF THE ARTICLES OF AMENDMENT, TO CHANGE THE REGISTERED OFFICE OF THE AUTHORITY AND TO TAKE ANY AND ALL OTHER ACTIONS RELATED THERETO.

WHEREAS, the Municipal Authority of the Borough of Somerset, Somerset County, Pennsylvania (the "Authority") is a body corporate and politic, incorporated pursuant to actions of the Borough of Somerset, and is existing under and is governed by provisions of the Municipal Authorities Act, 53 PA. C.S. 5601 et. Seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the "Act"); and

WHEREAS, the Authority has submitted to the Borough Council of the Borough of Somerset a duly adopted Resolution dated August 29, 2016, amending the Authority's Articles of Incorporation to increase its existence to a date not exceeding 50 years from the date of approval of the Articles of Amendment pursuant to the owers vested in the Authority by the Act.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Somerset, and it is herby resolved by authority of the same as follows:

Section 1: The Borough of Somerset hereby adopts the following amendment to the Articles of Incorporation of Somerset, which amendment shall consist of the following new provision to be added to the said Articles of Incorporation:

"(h) The term of existence of the Authority is increased to a date which shall be fifty (50) years from the date of approval of these Articles of Amendment."

Section 2: This Resolution shall become effective immediately.

Section 3: All resolutions or parts of resolutions not in accord with this Resolution are hereby rescinded insofar as they conflict therewith.

DULY ADOPTED by the Borough Council of the Borough of Somerset in lawful session regularly assembled on this 29<sup>th</sup> day of August, 2016.

Motion Unanimously Carried.

**(d) Year 2016 Ford 150 Pickup Truck**

Ms. Enos explained that this vehicle is used by our Meter Reading Department, and the current vehicle did not pass inspection. Tri-Star Ford is the authorized dealer for the Co-Stars Program, a government co-operative purchasing program, and we received their quote including a trade-in value of \$1,000 for our current vehicle plus \$1,690.00 for the cap, fitted for the new truck to access meter reader tools / meters.

Motion

Mr. Rosemeyer moved, Mr. Shaulis seconded to authorize purchase of the Year 2016 Ford F-150 Pickup Truck, in the amount of \$27,983.00 through the Co-Stars Government Cooperative Purchasing Program.

Motion Unanimously Carried.

**Committee, Administration, Special Reports**

**(a) Manager's Report**

Mrs. Enos reported the following:

- Trees on West Union Street from Rosina to Colby were trimmed to assist in getting emergency vehicles through safely.
- We will be working on streets on North Rosina and other areas needing attention.
- National Night Out was well attended.
- The Somerset Area High School sponsored a luncheon on August 19th as a “thank-you” for services to the Borough – attended by our Public Works Department and Police Department.

- The Finance Committee met August 22<sup>nd</sup> to review our Budgeting Plans. Mr. Rosemeyer will provide additional details in his report.

**(b) President's Report**

- Mrs. Miller reported that Mr. Bowlby met with our Water Plant Superintendent to coordinate installation of the computer monitoring system.
- The County Boroughs Association meeting will be held at Indian Lake Lodge on September 15<sup>th</sup>, 2016.
- She thanked Mr. Svirsko and staff for removal of limbs on South Kimberly Avenue.

**(c) Engineer's Report**

- Mr. Reilly reported on the repair project with the distribution arms on the bio towers, and trickling filters at the sewage treatment plant.
- Regarding the Hickory Hill tanks, the loan closing is scheduled for September 22<sup>nd</sup> then the project will begin, along with many other miscellaneous projects.

**(d) Public Works Committee**

Mr. Thomas provided the following Public Works duties performed:

- Annual Flushing Program and line cleaning in Edgewood and Brierwood sections; water leak repair at North Franklin Avenue; a leaking water valve repaired on August 14<sup>th</sup>; a storm sewer repaired on Kimberly and Sanner Streets, South Rosina Avenue, North Rosina Avenue and Lincoln Street.
- They cleaned storm sewer lines at Fuller and Williams Streets, installed them at South Franklin Street; repaired inlets at South Edgewood and Patton Streets and trimmed trees at West Union Street and South Kimberly Avenue. The Fire Department expressed their thanks.
- Two sanitary sewer lines were repaired at West Main Street, a water service line was repaired at Patriot Street; arrows were painted and

lane dividers placed at Union Street, Pleasant Avenue and Stoystown Road.

- They painted handicap parking signs uptown, installed water taps at Court Alley, repaired the hydrant on E. Patriot Street, repaired a sign on Catherine Street, plus daily trash pickup.

**(e) Public Safety Committee**

Mr. Rosemeyer's Report:

- They met with the Chief and Mayor on August 15<sup>th</sup>, and thanked the Eagles for their donation.
- Concerning the body cameras, our legislators need to decide how, and what, can be used in a home – a statewide issue.
- They discussed part-time police officers and hired two. They are asking Council for a third one, to help with overtime since more officers were taken from the list.

**Motion**

**Addition of Anthony Vittone to Roster of Part-time Police Officers**

Mr. Rosemeyer moved, seconded by Mrs. Ream, to add Anthony Vittone to the roster of part-time Police Officers.

Motion Unanimously Carried.

**(f) Finance Committee Meeting**

Mr. Rosemeyer reported the following information. The Financial Report is for the period from January 2016 through July 2016, which is the 58.33% point of the year.

**General Fund:**

Revenues: 71.52%

Expenses: 54.34%



Water Revenue Fund:

Revenues: 63.34%

Expenses: 61.71%

Sewer System Operating Fund:

Revenues: 54.89%

Expenses: 46.33%

- He thanked Mr. Peters and Ms. Enos for budgeting extremely well and in holding down expenses, and mentioned Councils' appreciation.

**(g) Somerset, Inc.**

Mrs. Pyle offered the following report:

- Somerset Inc. met on August 16<sup>th</sup>. The new Main Street Manager is Regina Coughenour who starts on September 1, 2016.
- Additional work on Trinity Park is expected to begin in the Spring.
- Volunteers worked on Trinity Park in preparation for Antique Days
- The Sugar Show of August 13<sup>th</sup> brought in \$3,500.00.

**(h) Somerset Volunteer Fire Department**

Mr. Thomas reported the following:

- They completed 346 calls so far this year.
- A Golf Tournament is set for Friday, September 16, 1:00 p.m.

**(i) Solicitor's Report** (To be held in Executive Session.)

**(j) Mayor's Report**

Mayor Walker offered the following:

- National Night Out was very successful.

- The Police Department will be going through the final stages of Accreditation this week.

### **Executive Session**

Mr. Thomas moved, Mrs. Ream seconded to enter into Executive Session to discuss Potential Litigation Matters.

Motion Unanimously Carried.  
7:50 p.m.

### **Back in Public Session at 8:33 pm**

#### **Demolition of Property located at 132 South Center Avenue**

Mrs. Ream moved, and Mr. Rosemeyer seconded to obtain the contract documents needed to move forward with the demolition of the property located at 132 South Center Avenue.

Motion Unanimously Carried.

#### **Motion to rescind appointment of Law Firm of Jackson & Lewis (Attorney Doug Smith as Special Labor Counsel**

Mr. Thomas moved and Mr. Shaulis seconded to rescind the appointment of the Law Firm of Jackson & Lewis (Attorney Doug Smith) as Special labor Counsel for the Borough of Somerset.

Motion Unanimously Carried.

#### **Motion to appoint Law Firm of Barbera (Attorney Daniel Rullo as Special labor Counsel**

Mr. Thomas moved and Mrs. Ream seconded to appoint the Law Firm of Barbera Clapper Beener Rullo & Melvin (Attorney Daniel Rullo) as Special Labor Counsel.

Motion Unanimously Carried.

**Adjournment**

Mr. Rosemeyer moved, Mrs. Opp seconded to adjourn.

Motion Unanimously Carried.  
8:36 p.m.

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Michele Enos, Borough Secretary