

Borough of Somerset Committee of the Whole
June 12th, 2017 5:00 p.m.

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

Roll Call:

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

Also present were the following: Borough Manager, Michele Enos; Director of Finance, Brett Peters; Chief of Police, Randy Cox; Solicitor, James Cascio; and Consulting Engineers, Tom Reilly and Jake Bolby.

Announcements:

(a) Executive Session –*To discuss matters of litigation and police collective bargaining and personnel matters.*

Motion

Mr. Rosemeyer moved, Mr. Shaulis seconded to move into Executive Session.

Motion Unanimously Carried

Motion

Mr. Thomas moved, Mr. Rosemeyer seconded to move out of Executive Session at 5:49 pm.

Motion Unanimously Carried

Approval of Minutes of Previous Meeting:

(a) Committee of the Whole – *Minutes from the May 8th 2017, Committee Meeting.*

Motion

Mr. Thomas moved, Mr. Shaulis seconded to approve the May 8th, 2017 Somerset Borough Committee of the Whole Meeting Minutes.

Motion Unanimously Carried

General Public Comments:

(a) None Registered.

Policy Agenda:

Old Business:

(a) None

New Business:

(a) Request Form Submitted by Manager Enos:

1. Discussion on storm water management issues.

Ms. Enos stated that in prior Manager's Notes, she sent an update to Council about storm water issues. She sought out EADS for direction. Even in the periods that rain fall is not heavy, Brierwood Area is always an issue. She mentioned that three-quarters of our claims come from Brierwood. She stated that our insurance company is asking what our plans are to address the situation. Ms. Enos stated that there are a lot of different factors associated with Brierwood, not just one factor that can be pinpointed. That's why she feels it's going to take a comprehensive study from our Engineers to try to determine what can be done to improve that area. She asked EADS Group to give a presentation so that Council would have a better idea of what a comprehensive study would be. EADS can also give us examples of what they've done in other communities with similar problems. Ms. Enos asked EADS Group to provide a cost estimate as well. Ms. Enos mentioned that any kind of storm water study, or storm water improvements, would be a General Fund expense. Discussions were then held as to whether grant funding could be available. Ms. Enos mentioned that there could be ways for the residents themselves to be part of the solution on their private properties. She stated that the residents are willing to help themselves, but they don't know what to do that's going to help. She stated that Brierwood is not a situation where a catch basin or enlarging a storm line is going to fix the problem. Ms. Enos mentioned that if Council wants to move forward in trying to make some changes at Brierwood, that would help the situation, she could provide more information to Council on what grants may be available to do something like this. She could also present options on what the homeowner's can do to their own properties to help themselves. Another option could be internal borrowing. She mentioned that the study may reveal that major improvements may need to be made.

2. Presentation by the EADS Group – Brierwood Area Storm Water Management.

Mr. Reilly mentioned that Brierwood has been a problem for a while, and it still continues to be a problem. He reviewed how the Borough has responded to storm water complaints in the past. He stated that the Public Works Department, in responding, has done a really fine job. Mr. Reilly mentioned that there hasn't been a comprehensive global look at what we need to do, though.

Mr. Bolby then provided a presentation on Storm Water Management.

During the presentation, Mr. Reilly spoke about examples of studies that the EADS Group were involved in with other municipalities.

At the conclusion of the presentation, Mr. Reilly stated that what the EADS Group is proposing to do in the Borough, for Council's consideration, is "existing problem identification". This involves developing a GIS based website and opening it to the entire Borough for residents, property owners, and commercial properties to provide complaint information. He stated that they are not proposing to go and meet individually with these properties owners. However, they would do this, by special request, if asked to do so by the Borough. The EADS group is also proposing to evaluate existing ordinances, and recommend improvements to reduce the impact of storm water. They are also proposing to evaluate the complaint data submitted by the web service to determine the level of effort required to evaluate various areas. EADS Group purposes to do this for a fee of \$5,000.00. Mr. Reilly stated that EADS has already identified Brierwood as an issue. So the information in the presentation was based on what it's going to take to evaluate Brierwood, to determine projects and costs, and to provide some level of protection in the Brierwood area. Mr. Reilly discussed the details on how this would be done for the proposed solution for the problem at Brierwood. The estimated fee to do this study is \$15,000.00 for the Brierwood area. Mr. Reilly explained that they are trying to provide improvements to the Brierwood area to minimize the property damage for the level of protection that the Borough wants to implement. They would not be increasing the flow of water, or increasing the duration of that flow. He explained it is just taking the existing runoff and putting in controls to try and minimize the property damage. The total estimate of the study is \$20,000.00.

Ms. Enos stated that the important thing right now is knowing what our budget is, and knowing that this is definitely a long time issue in Brierwood. Ms. Enos stated that there are multiple factors involved in this problem. She stated that the reason there hasn't been such a huge improvement is the fact that it's all General Fund tax dollars.

Ms. Enos stated that "it would be great" if we have the opportunity to get a grant. But outside of that, it is General Fund monies, and these projects are typically very expensive. Ms. Enos stated that she wanted to give Council a feel for what we're dealing with in Brierwood, and the significance of it, especially because of the recent flooding there. She stressed, again, that none of these costs are contained in this

year's budget. She asked if Council want to do this now, or is this something we want to incorporate while we're planning next year's budget. Ms. Enos stated that we're not going to be able to protect every resident from every storm event, but Brierwood is definitely a major issue. This issue will be discussed further at a future Council meeting.

(b) Request Form Submitted by Council Member Thomas:

1. List of streets for paving.

Mr. Thomas mentioned that they went out, as a group, and drove around town to see which streets were in most need of attention. Afterwards, PennDOT came in and did their "drive around" to enable them to give an estimated price on paving, and tar and chipping.

Ms. Enos listed the following streets that will be paved, based on the budget and cost, after PennDOT came through and did their measurements and gave us an estimated cost:

1. East Race St. – from South Center Avenue to Pleasant Avenue.
2. Orchard Ave. – from Patriot Street to Union Street.
3. Spring Alley – 140 feet from Church Street to Race Street.

Ms. Enos mentioned that the estimated cost for paving these 3 streets is \$64,500.00

2. List of streets for tar/chip.

Ms. Enos also listed the 3 streets that will be tarred & chipped:

1. Grandview Avenue – from the Municipal Line to Cannel Drive.
2. Crestview Drive – from Cannel Drive to the Municipal Line.
3. Hugus Street – from South Edgewood Avenue to Cannel Drive.

Ms. Enos mentioned that for tar and chipping these 3 streets, the estimated cost is \$30,500.00. She stated that this may change when we go out to bid. It could be higher or lower. We're expecting the total to be around \$95,000.00, which is \$5,000.00 under our maximum budget.

3. Fixing some of the other streets with rented tar buggy.

Mr. Thomas also mentioned about renting a tar buggy and hot box to fix pot holes in the Borough, to try and keep some of the infrastructure of the streets the best we can.

He was hopeful that we could get this done before they come in and start doing the streets.

Ms. Enos stated that the streets aren't getting done until September because of the State projects going on right now.

4. Updating signs that are faded and hard to see.

Mr. Thomas stated he talked to Ms. Enos about the signage in the Borough. He said that some of the signage is really bad, and it's so faded, that you can hardly see some of the street signs and identification signs. He feels we need to address some of this signage, each year, to keep them going and up to date.

5. New employee hires in the Public Works Department to replace retirees.

This was handled in Executive Session as it relates to personnel issues.

6. Any news on hiring an Assistant Manager.

This was handled in Executive Session as it relates to personnel issues.

(c) Request Form Submitted by Chief Cox:

1. Discussion concerning body cameras.

Chief Cox stated that the Senate passed Senate Bill 560 which brought about all the changes we were looking for in the various laws that would impact body cameras. He stated that it is in front of the House right now.

Mr. Shaulis mentioned to Chief Cox that he had a chat with Carl Metzgar, and he asked Mr. Metzgar whether there was anything he could do to help pass this bill. Mr. Metzgar related to Mr. Shaulis that "it sounded pretty good." Chief Cox thanked Mr. Shaulis.

Mayor Walker handed out an article from the Borough News to all of Council explaining exactly where the legislation is at on this issue. He stated that the article also explained some of the logic behind why we didn't want to rush into spending money on this.

Chief Cox also mentioned about whether or not the body camera's footage would be subject to the "right-to-know" law and regulations on how long we'd have to keep it, and who we would have to make it available to. Discussion was then held on what the costs would be involved to buy and maintain the body cameras if the House moves on the bill.

(d) Request Form Submitted by Council Member Pyle:

1. Funds Available – “Ratio” dollars to value for dollars in personnel costs.

Mrs. Pyle voiced concern over the costs within the Borough to pay its employees. She stated that she’s interested in knowing how many people it actually takes to do everything that is needed within the Borough’s plants and departments. Mrs. Pyle had a list of presently employed Police Officers. With the information she received from Chief Cox, and according to her calculations of what was accomplished by an average of 10 patrol officers in the month of March, she feels that the whole Police Department “is leaking money like a sieve”, and also stated, “We need to make some adjustments.”

Mayor Walker asked Mrs. Pyle, “What are you proposing? A quota system that’s entirely illegal?” Mrs. Pyle responded, “No, but I want them to make more arrests. I’m just saying we have too many people. That’s pure and simple, we have too many people!” Mrs. Pyle stated that we have no more residents, or traffic in town, than we did 30 years ago. She stated that 10 years ago, only 10 officers did the same work as 20-23 officers are doing now. “Clerical staff, and the whole Police Department, are bleeding money.” Mrs. Pyle stated. She feels that “attrition” would probably be the best way, and to not replace individual positions. Mrs. Pyle stated that we need the money to do streets and other projects that need done. She asked “Where are we going to get that money?”, then stated that the Police Department “is bleeding money!”

Mayor Walker stated “We operate within our budget every year that I have been the Mayor.” He then stated that he’s been given a budget by Council.

Mrs. Pyle stated that her proposal is to reduce that budget.

Mrs. Miller asked Mrs. Pyle, “How we are going to reduce the budget?”

Mrs. Pyle stated it was by attrition of officers.

Mayor Walker told Mrs. Pyle he would not give her a breakdown, by officer, because that would be a quota system which is 100% illegal. Then Mayor Walker asked Attorney Cascio if he was correct in saying that to Mrs. Pyle.

Attorney Cascio answered “Yes.”

Mayor Walker stated that crime has grown substantially in 30 years.

Mrs. Pyle stated that it’s not about the arrests that are made, it’s about what the officers are doing.

Chief Cox stated that basically any activity that would occupy an officers time, is generally through calls for service. He explained, that about 80% of what any Police Department does, the breakdown is usually 80/20. 80% of service calls, 20% is enforcement. Chief Cox explained that “documentation” takes a lot of time for the officer to document complaints and incidents.

Mrs. Opp stated that “The police officers are always doing something.” She feels that if we cut back on officers, one officer could not do all that needs done. Mrs. Opp

stated she feels “safe” because the police presence is everywhere. She feels that the officers have “a lot on their plate”, more so, than other townships.

Mrs. Pyle stated that her biggest complaint is what the people in the office do all day long.

Attorney Cascio stated that the Borough Council’s role in all of this is to basically fund the Police Department. The direction of the employee’s is under the jurisdiction of the Mayor. And if the Council is in a budget situation, and is looking at what to do about funding the Police Department, then it is a binary role on what the Council plays. Attorney Cascio also stated that the Council cannot tell the Police Department when to schedule the officers, because that is a part of the operations of the department. Council’s fundamental decision is to fund or not to fund. He continued, and stated that once Council makes that decision, the Borough Code’s language is that the Mayor has complete control over the scheduling of the Police Department.

Mrs. Pyle stated that, ideally, it would be nice to have a Mayor who cooperated, and it would “be lovely” in order to make those things work the way that Council wants them to.

Mr. Cascio stated that Council needs to understand what their authority and roles are as members of Council.

Mrs. Pyle stated that her goal is not to hire officers, and make use of the ones they have. She mentioned that it all goes back to money.

Mr. Rosemeyer mentioned that Council’s major function is financial.

(e) Request Form Submitted by Council Member Ream:

1. Use of Cell Phones While Driving – Is there an opportunity to utilize blue tooth for SBPD to avoid the continued commentary about the use of cells by the police as they are driving? Mainly a perception issue that has been brought to my attention.

Mrs. Ream explained that there is commentary about the fact that some Police Officers are on their cell phones while driving. She stated that she understands that the officers have to use their phones. She wanted to discuss whether we could implement something so the officers could use blue tooth, while driving, so it’s not so obvious they are on their cell phones. She stated that this is just her suggestion.

Chief Cox stated that the officers are not doing anything illegal by being on their cell phones. He stated that in the states that have cell phones laws, law enforcement is usually exempt from those laws. Chief Cox discussed possible ways the officers would have the capability to use blue tooth on their cell phones while driving. If implemented, Chief Cox stated that blue tooth could then be mandated for the officers to use while driving.

(f) Request Form Submitted by Council Member Miller:

1. Street Maintenance Sales Tax Program of Texas.

This information was researched and found to be irrelevant to the Borough, so therefore, was not addressed.

2. Meyersdale Blight Program and firm they use to take property possession.

Ms. Enos stated that she looked up information on Meyersdale Blight Program prior to the meeting. She spoke to Meyersdale about their program, and stated that there were two properties they took over for blight reasons with their Blight Program. Ms. Enos explained that the Borough owns the property, so when the Borough takes property possession, it needs to have the funds to pay for it. This all comes from General Fund monies. The Borough would then be responsible to maintain the property. Ms. Enos stated that this property would then be off the tax rolls. The Borough then would have to sell back property. She mentioned that there are a lot of factors and responsibility in this, which is extra expense on the Borough. Ms. Enos also mentioned that the property owner must agree to have the property demolished. She mentioned that the Borough can use CDBG Funds to perform that work. But the property still maintains with the same property owner. It doesn't come to the Borough. Ms. Enos mentioned that in the PSAB Magazine, Senator Pat Stefano is looking at introducing legislation for Blight.

3. Properties we mow and lien, how this is handled for informational purposes only.

Attorney Cascio explained that we can eventually take a municipal lien and foreclose on it by selling the property. He stated that there are some overhead expenses, but if you get someone who may want to acquire it, you can get something out of it, and can get it back on the tax rolls.

4. Somerset Area School President – Approach for a Junior Council Member. Meyersdale is successful.

Mr. Rosemeyer stated that he met with the Superintendent of the school district. He said he gave her all the information that he had from the PSAB. Mr. Rosemeyer mentioned that the Superintendent is "all in favor", and going to set up a meeting with him and the School Principal. He mentioned that they are going to try to set this Junior Council Member up for the fall.

Ms. Enos stated the Borough passed a resolution back in 2006, and reached out to the school district on multiple occasions.

5. Also talk to them (Somerset Area School) about mowing 10' back from Cannel Drive and Franklin Street and old playground area we turned over to them.

Mrs. Miller stated that in the 11 years she's been on Council they have been fighting with the school to mow their field. She stated that the school only mows it for the 4th of July, because of the fireworks. The school said the reason they don't mow it, is so that they can make hay. Mrs. Miller stated that "it looks terrible." She asked, "Why should they be different than anybody else in town that has to mow their grass?"

Ms. Enos stated that we have a property maintenance code in the Borough. She stated that the grass complaint doesn't address cutting back only 10' feet into the property. Ms. Enos stated. "It's the whole thing or it's nothing." She said the Borough has to be consistent.

Mrs. Miller stated that by all rights, they should have to meet the rule. It was mentioned that Mr. Rosemeyer has the channel of communication with the school district, so he could communicate the grass concern.

Mr. Rosemeyer stated that he could ask them about Mrs. Miller's concern.

(g) Donation Requests:

1. Junior Achievement – Requesting a donation towards work readiness, financial literacy and entrepreneurship.

It was the consensus of all Council not to donate to Junior Achievement.

(h) Year to Date Financial Report – Provided through the month of May 2017.

Mr. Peters mentioned that he has the Year to Date Financial Reports through May 2017. He mentioned that we are 41.67% of the way through the year. The following Fund's Revenues and Expenditures are based through the month of May 2017:

General Fund: Revenues – 59.00% Expenses – 35.52%

Water Revenue Fund: Revenues – 61.67% Expenses – 56.26%

Sewer System Operating Fund: Revenues – 38.22% Expenses – 32.98%

Mr. Peters stated that he would be glad to try to answer any questions.

(i) Manager's Report – Reports distributed to Council for all departments for the month of May 2017.

Ms. Enos handed out copies of the Monthly Departmental Reports to each Council Member. She stated that the Chief has included his report for the Police Department, as well. Ms. Enos mentioned that the normal duties stay the same. She mentioned that in her own report she has more specifically listed updates and changes. She invited anyone who had questions or comments to feel free to call her any time.

Mr. Rosemeyer expressed his concerns to Ms. Enos about the children's wading pool in the playground across the street. He stated that he believed, in the past, that it was decided upon not to use it, because of children being injured by slip and fall injury's. He stated that he noticed children using it again.

Ms. Enos and Mrs. Miller stated that they did not recall that this was an issue in the past.

It was explained that it is only operational when the staff is present. It is drained before the staff leaves. Ms. Enos explained that it is only in operation from the start of school vacation until "National Night Out".

(j) President's Report – Given by Mrs. Miller.

Mrs. Miller mentioned that she was fortunate enough to be at the reservoir when they erected the last wall. She stated that she was totally impressed. Mrs. Miller stated that one of the workers gave her a thorough lesson on how they glued the walls together, strengthened and tested them. She would like to see the newspaper do a story on the reservoir because it's very informative.

Mrs. Miller wanted to thank everybody that helped during the rainstorm. The Councilmen, the Public Works and the Firemen.

Mrs. Miller also mentioned that she asked Ms. Enos about talking to the State about trimming North Franklin Hill, where the trees are hanging out over the road.

Mrs. Miller also mentioned that she went to the new Mexican store and restaurant and welcomed them.

(k) Somerset Inc. Report - Given by Judy Pyle.

Mrs. Pyle discussed what Somerset Inc. has planned during the "Blues on Main" Festival this weekend. Traffic control, parking and crowd control were also discussed, along with the ensuing costs and liabilities. Mrs. Pyle stated that they are looking to keep the costs controlled, because they're hoping to do this every year as a revenue

source for Somerset Inc. She stated that they have to develop a revenue source for Somerset Inc., like “Fire & Ice.” She stated that the revenue that comes in from “Fire & Ice” every year, pretty much covers Somerset Inc.’s. staff, the office and the reoccurring expenses. So after that, anything Somerset Inc. wants to do needs to be generated through some kind of revenue. They are looking at reoccurring events that will maybe, at some time, come close to the revenue derived from “Fire & Ice.”

Mrs. Pyle stated that they had the organizational meeting for Somerset Inc. Board Members were changed, and officers were elected. She stated that they have 4 new young board members. She mentioned that they also had changes in their by-laws that affect the Borough. One change, was that they only have one representative as opposed to three. Also, Somerset Borough, at one time, had a financial obligation to Somerset Inc. The second change made was, the Borough has no further financial obligation to Somerset Inc.

Mrs. Pyle, again, mentioned that the “Blue’s on Main” Festival is coming up on June 24th. The “Chalk a Block” Festival is another event coming up. She stated that these events only happen with an immense amount of work through volunteers. She stated that they have a lot of cooperation and energy right now with their new Executive Director. There have been a lot of people participating now, that have not participated before. Mrs. Pyle stated that their Director has been really good at working with some of the other agencies. She also stated that the more agencies you can get working together, the more things can happen.

Mrs. Pyle also mentioned that they are behind on their work in Trinity Park because of the weather. They were hoping to have that work done by July 1st. It will not be possible because of the weather.

Mrs. Pyle also mentioned about the new Mexican restaurant. She was there several times and stated, “The food was good, and the people were delightful.”

(l) Somerset Volunteer Fire Dept. Report – Given by Gary Thomas.

Mr. Thomas stated that they had pumping operations over the Memorial Day weekend because of the flooding. He stated that they had a good turnout of helpers.

Mr. Thomas also mentioned that they also had a lot of people show up for “stand by” at the station for the bomb threat at the hospital, which thankfully didn’t materialize.

He summarized that they’ve been turning out some pretty good crews lately, which is good.

(m) Engineer’s Report

There was no additional information that Mr. Reilly or Mr. Bolby had to present.

Executive Session – *None requested.*

Adjournment

Motion

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

Motion Unanimously Carried.

8:23 p.m.

Michele A. Enos, Borough Secretary