

Borough of Somerset Council Meeting

January 22nd, 2024 - 5:00 p.m. *(In-Person Meeting)*

1. **Meeting Called to Order** – President Ream.

2. **Pledge of Allegiance**

3. **Roll Call:**

a) **Borough Council Members present:** *Pam Ream, Ruby Miller (via telephone), Lee Hoffman, Sue Opp, Steve Shaulis, Jim Clark and Ian Mandichak.*

b) **Also present:** *Mayor Fred Rosemeyer.*

c) **Also present were the following:** *Borough Manager, Michele Enos; Director of Finance, Brett Peters; Administrative Assistant, Roger Bailey; Municipal Authority Manager, Jessica Sizemore; Randy Cox, Chief of Police; Solicitors, James Cascio & Allyson Lonas; Consulting Engineers, Tom Reilly & Jake Bolby.*

d) **Public Attendance:** *Rebecca Senft and Susan Senft.*

4. **Approval of Agenda:** *Consider approving the Agenda as presented.*

Motion

Mr. Hoffman moved, Mr. Mandichak seconded, to approve the January 22, 2024 Borough Council Meeting Agenda.

Motion Unanimously Carried

5. **Announcements:**

a) None

6. **Approval of Minutes of Previous Meeting(s)**

a) December 18th, 2023 – *Public Hearing Minutes.*

Motion

Mrs. Opp moved, Mr. Shaulis seconded, to approve the December 18th, 2023 Public Hearing Minutes.

Motion Unanimously Carried

b) December 18th, 2023 – Borough Council Meeting Minutes.

Motion

Mr. Mandichak moved, Mr. Shaulis seconded, to approve the December 18th, 2023 Borough Council Meeting Minutes.

Motion Unanimously Carried

c) January 2nd, 2024 – Organizational Meeting Minutes.

Motion

Mrs. Opp moved, Mrs. Ream seconded, to approve the January 2nd, 2024 Organizational Meeting Minutes.

Motion Unanimously Carried

7. Award of Bids:

a) None

8. General Public Comments:

a) Rebecca Senft.

Ms. Senft came before Council regarding her concerns with parking and public safety on the alley she resides on at 132 Rear Uhl Street.

She explained that the alleyway they use as a driveway is at the T-intersection on Uhl Street. She explained that she called the Borough's Zoning Officer to see if no parking signs could be installed at the end of the alleyway at the T- intersection so cars are able to swing in and out. She said that parked cars are prohibiting moving cars from getting in and out of the alley. The mail truck, and having the alley plowed, has also been an issue on this alley.

It was brought out that this alley is a paper alley and not owned by the Borough.

Ms. Senft mentioned that it was suggested to her to speak directly to the person parking at the end of the alley to solve this problem, but she noted that the person parking there possibly changes every week.

Ms. Senft said she had concerns that an ambulance or fire truck would be unable to get back this alleyway if needed. She noted that this area is a safety hazard for visibility, and that there had been a recent collision with an unoccupied car parked directly at the end of the alley. She requested that, in the interest of public safety, the Borough look into this alleyway further.

Ms. Enos responded by saying that this can certainly be done. She said that she would like to consult with the Chief of Police on what the Borough is permitted to do, and what is not permissible.

Chief Cox discussed this issue with Ms. Senft to get the details of the area.

It was determined that this matter needed to be brought before Council to try and resolve the problem in this area, and to get their final decision regarding it.

9. Administrative Business:

- a) Communications – (none)
- b) Payment of Bills – Month of January 2024.

Motion:

Mrs. Opp moved, Mr. Mandichak seconded, to approve the payment of bills for the month of January 2024 numbered 41017 - 41173 totaling \$2,137,055.50.

Motion Unanimously Carried

- c) Department Reports – Consider approving the Departmental Reports for the month of December 2023.

Motion

Mr. Mandichak moved, Mrs. Ream seconded, to approve the Departmental Reports for the month of December 2023.

Motion Unanimously Carried

10. Policy Agenda:

Old Business:

- a) Somerset Vol. Fire Department – Update from Manager on proposed Ordinance to bill for services.

Ms. Enos said that the Ordinance will be going into the newspaper for advertisement. It will be on February's Agenda.

New Business:

- a) Proposed Zoning Ordinance Amendment Prohibiting Chickens and adding "Skills Games"– Update from Manager.

Ms. Enos said that our Solicitor has reviewed the final draft, and has made some changes to the Ordinance to better protect the Borough. It will also be advertised and on February's Agenda for final adoption.

b) Tax Claim Bureau–Notice of Offer to Purchase Property at Private Sale - Divinity Investments to Gregory Herring in the amount of \$265.00.

Ms. Enos said that this is a private sale of property. A bid amount was offered, and the Borough has a right to object to it. The property is a leftover trailer that was owned by Divinity. Under this tax sale, an offer was made for it.

Ms. Enos expressed that the Borough has no reason to object to the offer. She said that this has to be formally approved by Council.

Motion

Mr. Shaulis moved, Mr. Hoffman seconded, to approve the ability for Gregory Herring to purchase the property from Divinity Investments.

Motion Unanimously Carried

c) Act 172 Tax Credit – Consider approving the “List of Eligibles” as submitted and approved by the Somerset Vol. Fire Dept. for the Real Estate and Earned Income Tax Credit for the fire fighters within Somerset Borough.

Ms. Enos noted that a certified copy was received for those that qualify for the Real Estate and Earned Income Tax Credit for those who applied. It has been certified by the Fire Chief and President of the Fire Department. There are 14 names on the list that have been certified. The next process is for Council to accept that certification as presented.

Motion

Mrs. Ream moved, Mrs. Miller seconded, to approve the “List of Eligibles” as submitted and approved by the Somerset Vol. Fire Dept. for the Real Estate and Earned Income Tax Credit for the fire fighters within Somerset Borough.

Motion Carried 5 ayes -0 nays -2 abstentions

(Mr. Shaulis & Mr. Clark abstained)

**(It was noted that Mr. Shaulis & Mr. Clark, as members of the Fire Department, are included in the “List of Eligibles”)*

d) Request from Mayor and Chief to add Derek Horrall to the roster of Part-time Police Officers.

Motion

Mr. Mandichak moved, Mr. Hoffman seconded, to approve adding Derek Horrall to the roster of Part-time Police Officers.

Motion Carried 6 ayes 1 nay
(Mr. Clark voting "no")

e) Request from Mayor and Chief that the 2023 allocated funds, (\$50,000.00) be made available to acquire the cruiser ordered in 2023. This would be in addition to the budgeted 2024 cruiser acquisition.

Chief Cox explained that in early 2022 an order was placed, with Council's approval, for a 2023 Police Cruiser. The dealership lost 3 Explorers in the meantime not knowing where they went. Chief Cox told the dealership in late summer that he needed to purchase a cruiser. They cut the price of the Dodge Charger to the price of the Explorer, so the order was placed. The Dodge Charger had arrived for delivery after the 2023 Budget had been closed, so Mr. Peters was unable to cut a check for the car. The money was allocated and approved, but the Budget closing deadline was missed. So the money would have been carried over and still been there. The 2024 Budget was crafted with the idea that the money would have been spent in 2023, but there was no car to spend it on.

The funds allocated for the 2024 Budget was for another Cruiser, which can be purchased at this time, because they all came in on the same truck.

Mr. Peters explained that the Borough's Financial Statements are on cash basis, so he budgeted the 2024 Budget for the purchase that we planned for, but it does not roll over. It is by calendar year. He said that Chief Coxes line item is going to be over budget, if Council approves it, but that doesn't mean that the funds are not available.

Chief Cox explained that he has 2 cars, and possibly 3, that needs replaced and he doesn't expect a request for a cruiser in 2025, as long as we get the 2023 and the 2024.

Mr. Mandichak expressed that the safety of the Officers has to be kept in mind, as well. The safety in the vehicles that the Police Department currently has is not there. He said that this needs to be considered.

Chief Cox said that every Budget year, when he asks for a new cruiser, those are some of the things that go into evaluating the fitness of a cruiser for duty.

Chief Cox explained that the purchase orders were issued for each separate vehicle that he previously ordered, but the 2 Explorer's ordered cannot be located. They have no idea where they are. So they agreed to release us from the purchase orders for those 2 Explorers. This is when Chief Cox put in a purchase order for a car, at the end of summer 2023, when the price was reduced. They would be giving us a second car at that same reduced price.

Chief Cox noted that the 2010 Explorer and the 2013 Dodge Charger will be retired. Currently, 6 cars are being used for patrol cars.

He said that under the 2024 budget, we are accepting delivery of one of the 2 cars available to us, and it will be picked up tomorrow. The other vehicle was the car allocated for 2023.

Council next discussed the problem within the Police Department regarding hiring part-time Police Officers instead of full-time Officers, and the implications of this decision.

Included in the discussion was also the shortage of Police Officers, the possibility of keeping the Borough's part-time Officers by transitioning them to a full-time capacity, and the over-time hours of the Officers presently employed.

Ms. Enos noted that the Borough is under the Civil Service Guidelines & Regulations, so it is not a matter of just hiring a full-time Officer, but the applicant has to pass all the mandatory testing in order to be eligible for a full time Police Officer position.

Motion

Mrs. Miller moved, Mr. Hoffman seconded, to approve the 2023 allocated funds of (\$50,000.00) be made available to acquire the cruiser ordered in 2023 in addition to the budgeted 2024 cruiser acquisition.

Motion Carried 5 ayes – 2 nays
(Mr. Shaulis & Mr. Clark voted no)

Committee Business/Reports:

f) Borough Manager's Report – Given by Michele Enos.

Ms. Enos said that a Police Committee Meeting will be set up to discuss upcoming matters. Also to be discussed will be the previous K9 Officer.

Ms. Enos said that discussions started today regarding the upcoming Water, Sewer, South Center and North Center Avenue Projects. She said that they are looking to complete North Center Avenue, which may take a short-term loan to do. More information will follow as soon as a plan is formulated and we meet with Columbia Gas.

Ms. Enos said that we have been partnering with Columbia Gas for restoration costs. We will be meeting with Columbia Gas to discuss what they have done last year, will do this year, and getting a plan together on what they will be contributing towards the restoration since we were in similar areas.

There will be areas that will be fully restored, and areas that will not be fully restored, because we will be having the Sewer Project coming right behind. We do not want to provide full restoration to an area, then 1 year later have to dig it up and waste all that money. So we need to better plan and prepare for that. Council will be provided with a list of the areas in which there will be full restoration, or what kind of restoration will be done, so that if they are

questioned with concerns, they will have the list readily available. More information will be provided as we progress through the meetings and find out where we are financially too. We will make sure the public is aware of this information and that there are no surprises.

g) Finance Report – Given by Brett Peters.

Mr. Peters provided the Financial Statements Summary through December 2023 to Borough Council.

<u>General Fund:</u>	<u>Water Fund:</u>	<u>Sewer Fund:</u>
Revenues – 103.47%	Revenues – 330.53%	Revenues – 114.21%
Expenses – 99.71%	Expenses – 343.94%	Expenses – 113.29 %

h) Municipal Authority Manager’s Report – Given by Jess Sizemore.

Mrs. Sizemore said that there was an approval of the Water & Sewer Rate Schedule at the Municipal Authority Board Meeting last Monday. The only thing changed and adjusted were the minimum rates. These changes will go into effect January 15, 2024.

She mentioned that the interactive mapping for the Lead & Copper Inventory Project can be seen on the Borough’s website. To date, out of the 2,836 customers, 411 customers have been inventoried on the inside of their homes. Mrs. Sizemore mentioned that the 2 Staff Members dedicated to this project are doing a good job and are moving right along. This is definitely helping with our records, and is being received well from the residents.

Mrs. Sizemore said that we recently sent out a field change to a Waterline Replacement Project Contractor to keep ourselves within the budget. We are removing a portion of an install in Area 3, and we are focusing the Contractor down to East Main Street because of the history of leakage down there.

i) President’s Report – Given by Pam Ream.

Mrs. Ream mentioned that the “Fire & Ice” event was very nice. She thanked the Borough for their help in removing the snow. She added that it was really appreciated.

Mrs. Ream also mentioned that some residents, whose homes that have been hooked up to the new water lines, are complaining about backflow into their water heaters. They have been calling plumbers to come in and address the water that is being pushed back into their homes that they never had before until the waterlines were replaced.

Mr. Bailey said that because of the check valve, the hot water heater is heating up the water and instead of it pushing it back into the main, it is hitting the check valve and is causing the pressure relief in the hot water tank to go off. These residents need an expansion tank.

Mrs. Ream said that the plumbers are blaming the Borough for this happening and informing residents that they should have the Borough pay for their plumbing bills.

Mrs. Sizemore said that information on backflow prevention, plumbing and what needs to be done in the household, had been added to the Borough's website.

Mrs. Ream said that communication with the residents regarding this is very important. She said that she knows the information is on the website, but customers need reminded that they should be looking on the website.

j) Somerset Inc. Report – Given by Lee Hoffman.

Mr. Hoffman said that the "Fire & Ice" Festival brought in a ton of people Uptown even though the weather didn't quite cooperate. He said that it was considered to be close to record breaking attendance, if not record breaking. The Pittsburgh Zoo was in the Glades Court Building, and had over 1,300 people through there from 10:00 a.m. - 2:00 p.m. on Saturday. Also on Saturday, the ice slide had over 1,100 people as well.

Mr. Hoffman also thanked Public Works for cleaning up the sidewalks from snow. He also thanked the Police & Fire Departments for their support as well. He noted that people traveled from far distances to come to the festival.

Mr. Hoffman said the Farmer's Markets lots, in the spring, is supposed to have some continued developments and different ideas.

The Brinker Building will be getting things put back together through the spring. All the architectural drawings are in and approved.

k) PSAB Report – Given by Fred Rosemeyer.

Mayor Rosemeyer noted that PSAB has Staff in Harrisburg. He added that resources are there to help you find all the information you may need regarding Boroughs.

The County Boroughs Association will be meeting in April 2024.

l) Somerset Volunteer Fire Dept. Report – Given by Jim Clark.

Mr. Clark said that there were 53 alarms, so far this year, with some significant calls. 28 of them were in the Township, 4 on the Turnpike, 15 in the Borough and 6 assist calls. Total man hours on those calls were 2,270.96 hours.

Mr. Clark mentioned that the Annual Banquet was a success. He thanked all who were in attendance.

He said that the Fire Department has new line Officers in the ranks.

Mr. Clark thanked the Borough for all its support throughout the year. He said that it is greatly appreciated, and been a pleasure to work with the Borough.

Mr. Clark thanked Chief Cox for getting the plans together to provide emergency response when there are Uptown events.

Currently, the Fire Department is holding a Gun Fundraiser, and Mr. Clark encouraged Council to support it. He added that tickets are available for purchase.

Mr. Clark noted that there is a huge issue with Code Enforcement in the Borough. Properties that are not maintained are becoming a bigger and bigger problem. He said they see a house becoming 5 or 6 apartments in it, and he expressed that this shouldn't be the case with the area that they are in. He mentioned that the Fire Department has many fire responses in houses like this. He said that the land owners who rent out these properties have issues with their stairwells, and the way they are hooking things up is unsafe. Mr. Clark said that people are expressing concerns over this, and added that "if we don't start hitting this head-on, the Borough is only going to get worse."

Mrs. Ream asked Mr. Clark, "if this is a concern, and people are seeing this, where and who are they reporting their concerns to?"

Ms. Enos responded that no one is reporting anything to her. She said that other than the few properties that she and Mr. Clark have talked about, one-on-one, there have been no reports that have come in to her about 4 or 5 apartments in a single residential home, or any kind of stairwell issues.

Ms. Enos noted that the inspection process starts when it goes on record, and on a complaint form, so the Borough can have grounds to go in. She added that the Borough does not have the right to do this, unless it has probable cause to do so. She stressed that a complaint needs to be filed, and come to her, so it can be followed up on.

Mr. Clark said that he would convey this information to the rest of the Chief Officers.

Council briefly discussed problems with homelessness still seen in the Borough, and what is actively being done about it by the Borough.

m) Engineer's Report – Given by Jake Bolby.

Mr. Bolby presented the Updates to the Engineer's Report.

WATER:

1) Water System Capital Improvement Projects:

Mr. Bolby said that the grounding of the home electrical supply to the waterline is a known problem. Borough Staff have started to wear protective gear whenever they are working on copper waterlines, because they have come in contact with it, and as long as it has a pathway, it can still travel that current out to where they are digging. They have been "shocked" a number of times.

Mr. Bolby noted that within the project area there was one home that was identified as being "not properly grounded", so the homeowner was notified to fix it. He said that the Contractor had already gone through this project area. We had the home identified to the

Contractor and there was no word back that there were any issues related to that particular home.

The backflow preventers are a required item. When some homes didn't have them before, and they get a backflow prevention device, some things in their internal plumbing can change. He noted that they can be addressed, and it is a good thing, because otherwise something that could be nasty to the public drinking water supply system can come back through and endanger everyone else's public water. So backflow preventers are a central part and are needed.

Mr. Bolby said that the Water Project continues on. There have been some days off and delays due to the weather.

They are focusing on water services on the waterline right now in the Dott area.

The water tank is on hold for now until the ground thaws out and then they will be able to resume and pour concrete once we get above 40 degrees.

The electrical work is on hold until we see some emergency generators be shipped, which are expected in February or March 2024.

Budget balancing has been done, and adjustments made, to try and bring the budget back to the original budget amount. This will continue through the duration of the project. We try to anticipate the needed adjustments and make them as far ahead of time as possible.

Mr. Bolby mentioned that, overall, we are at 70% completion on aggregate.

We are on PennVEST payment #11.

There were no awards made for the funding applications for Small Water & Sewer and H2O PA.

We were hopeful that Patriot Manor would be funded, but those applications are ready to go for the next round of funding when a grant opportunity comes through.

SEWER:

1) Assessment, Repair, and Abatement Plan (Hydraulic Overload):

Mr. Bolby said that the 6-Month Status Report was submitted to DEP on January 12th, 2024. Within that report, we spell out how what the Borough has done to stay compliant to the Corrective Action Plan that was approved by DEP, and what the Borough is continuing to do giving DEP a schedule update. We also report on taps that were made. In that 6-month window, only 1 tap was made in 2023 to an existing customer. It went from a single family home to a duplex. There wasn't a customer gain, but in customers who get billed since they have a separate tap.

Mr. Bolby said that along with the Corrective Action Plan report, we request the tap allowance for the next calendar year. Like in past years, we requested 20 EDU's worth. Since the Corrective Action Plan has been in place, we have not went above that limit.

Mr. Bolby said that as part of the Corrective Action Plan, we are moving forward with the design of the full Sanitary Sewer Project. Permits have been submitted for the collection system replacement and rehabilitation. Those will focus in the western section of Somerset and Brierwood. Closely behind it permit applications will be submitted for the Business District (Central), and after that we will go north and east. We will probably have permits for all the collection system within the next year. We will also take a hard look at scheduling, restoration, and hard scape surfaces.

There was also a H2O PA grant application submitted and there was no award made yet.

STORMWATER

Ms. Enos mentioned that the Stormwater System was officially transferred to the Municipal Authority.

GENERAL:

1) Parsons Run – Bank Stabilization:

Mr. Bolby mentioned that the stream bank has been stabilized and looks good.

2) Center Avenue Sidewalk:

Mr. Bolby said that the sidewalk project is still in a holding pattern until the weather breaks. We have been in communication with the Contractor. They want to wait and see what the weather has to offer in the next few weeks, and then we will have a meeting and get scheduled for a re-start.

Mr. Bolby said that they have talked with Somerset County Redevelopment Authority to confirm some of the funds that are allocated to the project. The approval is expected for the fiscal year of 2023 in February or March of this year. This will dedicate another \$90,000.00 to the project. The application process for that started approximately 1 year ago.

3) Union Street Playground:

There was an application made for this playground, and no award was made. There are 2 other opportunities that seem to fit the scope of work that was slated for the playground. One through DCED and the other through DCNR. Both are Community Facilities, and are parks and recreation based applications.

n) Mayor's Report – Given by Mayor Rosemeyer.

Mayor Rosemeyer mentioned that Chief Cox, Detectives, and Sargent Borosky are all involved in Community Policing. He said that many in the Police Department are involved in multiple Committees, which takes up a lot of time. He thanked them all.

He also thanked Mr. Bailey and his Crew for all the work they do preparing for Community events.

11. Executive Session – *To discuss personnel matters.*

Motion

Mrs. Opp moved, seconded by Mrs. Ream to go into Executive Session to personnel matters.

Motion Unanimously Carried
6:37 p.m.

Back in Session

6:43 p.m.

Motion

Mr. Clark moved, seconded by Mrs. Miller to authorize settlement negotiations with Officer Harbart immediately.

Motion Unanimously Carried

12. ADJOURNMENT

Motion

Mr. Shaulis moved to adjourn, motion seconded by Mr. Hoffman.

Motion Unanimously Carried
6:45 p.m.

Michele A. Enos, Borough Manager/ Secretary