

Borough of Somerset Committee of the Whole Meeting June 11th, 2018 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; Judy Pyle; Sue Opp; Steve Shaulis; and Gary Thomas. Mayor Scott Walker also present.

Absent were Council Members Fred Rosemeyer and Pam Ream.

Also absent was Junior Council Member Maria Weimer.

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) None

Approval of Minutes of Previous Meeting:

(a) All minutes are approved at the regular Council Meeting.

General Public Comments:

(a) None Registered.

Policy Agenda:

Old Business:

(a) None

New Business:

(a) Request form submitted by Manager Enos:

1. Residential and Commercial Building Inspections - Update

Ms. Enos stated that she asked Mr. Tom Jury, from the Inspections Department, to compile a list, from the last two years, of Residential and Commercial Inspections for either new construction or renovation projects that took place in the Borough. She

wanted to do a cost analysis of what it would cost us to do inspections “in-house” verses going with PA Municipal Code Alliance.

Ms. Enos distributed a copy of the outline letter, to Council, that was recently submitted to PA Municipal Code Alliance regarding their Inspections charges. She stated that the Borough wants to get a general idea of their costs, to see if we need to change our Inspection rates, in the future, if we decide to use PA Municipal Code Alliance for our Inspection Permits.

She stated that this is for Building Permits exclusively for Residential and Commercial structures in the Borough. She brought out that this is for the Uniform Construction Code.

Solicitor Cascio stated that Ms. Enos asked him to take a look at the prospect of constructing a fee schedule. He mentioned that he doesn't think it is uncommon to make this a “pass through” involving a “set fee”. He stated that instead of using a Code Inspection company, we could charge the applicant what we pay for a contractor to do it, adding in some overhead or management charges. Solicitor Cascio stated that we could essentially charge without any labor costs, charging the applicant enough to cover the inside record keeping prepared here, within the Borough, along with maintaining it. Solicitor Cascio stated that they will work on it, but it's probably the way to go, if Council wants to take this route.

Ms. Enos stated that they wanted to let Council know what was being used for cost comparisons over the last two years. She stated that they asked PA Municipal Code Alliance to give us what their costs would have been to do the same inspections, if we would have contracted with them during this period of time. PA Municipal Code Alliance is preparing that list for the Borough now.

Ms. Enos stated that a more detailed discussion about this matter will occur at the next Committee of the Whole, in July, when there will be more information to offer. She stated that she wanted to make sure Council was aware of the direction that they were going.

2. South Columbia Avenue Sewer Backup Issues – Update

Ms. Enos stated that South Columbia Avenue is experiencing sewer backup. She stated that with every flooding event that we've had in the Borough, two properties were affected more than any other property located on South Columbia's line. She stated that the line is surcharging, and sewage is backing up into their basements. Ms. Enos stated that this is a habitual problem at the Basala and Prediger residences on South Columbia Avenue. She stated that every time a sewer backup claim is filed with our insurance company, these two properties are ones that are repeated claimants on

the insurance. Ms. Enos stated that the Borough has done dye testing at these properties to make sure that they had “back-flow” valves there.

Ms. Enos mentioned that about 10-12 years ago, we had done a project where the Borough was installing flapper valves on some of the lines that were surcharging. She explained that a flapper valve is at the end of a lateral line, and is installed to prevent backup from infiltration of water in the main line. She mentioned that installing flapper valves is not a “foolproof” method, however, because anything can get caught in between the lateral and main line, and the resulting effects of backup in a home could again occur. Ms. Enos stated that this was explained to both property owners.

She stated that when this project was occurring at South Columbia Avenue 10-12 years ago, the property owners were offered flapper valves. At the time, most of the residences agreed to have them installed, so the Borough went in and paid a contractor to install them. Two property owners, at that time, “opted out” of having the flapper valves installed. The current owners of these same two properties, were informed from the residences on their street that this project had taken place in the past by the Borough. The current owners of these properties now asked if they could “opt into” this and have flapper valves installed at their properties too.

Ms. Enos mentioned that we have flapper valves at the Public Works Garage that we could use to install at these two properties. She stated that this is not a practice that she wants to continue to do, but being that this was part of a project 10-12 years ago, and because we have the flapper valves, she feels compelled to install them at these two properties and have the Borough pay for their installation. Ms. Enos mentioned that she thought about the “domino effect” this could create. However, the difference between these two properties is that it was a Borough project, and the properties were “opted out” by the decision of the homeowners at the time. Now, however, the new property owners want to “opt into” this.

Ms. Enos stated that if we do this, she wants to enter into an Agreement with the property owners who currently reside at these two affected residences. She would like the Agreement to state that if we install the flapper valves, from this point forward, we are guaranteeing nothing, because installation of the valves is not “foolproof.” Also, any maintenance or any repairs to the flapper valve will be the property owner’s responsibility from this point forward.

Ms. Enos stated that this is going to cost approximately \$1,500.00, per piece, for the construction. She stated that the Borough has received 3 quotes, and Menser’s Plumbing was the cheapest. This cost does not include ground restoration, which the Borough is going to do, any yard restoration or the cost of the flapper valves, which we already have.

Ms. Enos stated that they wanted to make Council aware of the situation, and why it is being done. She expressed, that it’s not going to be her practice to install flapper valves. She stated that they need to worry about flooding, from a whole

community standpoint, which Council had authorized to do with the Flow Monitoring Test.

Ms. Enos mentioned that she asked Solicitor Cascio to draft up an Agreement to protect the Borough's interests for the future.

3. Plank Road Storm Line Project – Update

Ms. Enos stated that, for 20 some years, there was a war of PennDOT Attorneys fighting Borough Attorneys about a position on whose responsibility it was to replace any storm lines that are alongside State Highways. She mentioned that for 20 years, we had the direction that it was the State's responsibility. Residents had been shuffled to the State, and the State would shuffle them back saying that it was the Municipalities responsibility.

As a result, Ms. Enos stated that she gathered everything up that PennDOT sent the Borough, along with what we had, and gave it to Solicitor Cascio asking him for his recommendation, and what he saw to be factual in the law as to who is responsible.

She stated that Solicitor Cascio determined that it is the Municipalities responsibility, based on the law. So knowing that, Ms. Enos said that we are going to move forward on the storm line that is collapsed on Plank Road. Ms. Enos stated that the condition of that road has gotten worse.

Ms. Enos explained that Mr. Bolby had looked at the condition of the road in order to help us out in preparing what would be necessary, as far as formal request for proposals, and what we would need. Mr. Bolby also met with Mr. Chuck Glessner and Mr. Roger Bailey at the site. She mentioned that PennDOT was out there, as well. The request for proposals was developed.

Ms. Enos explained that if we are supplying the pipe, gravel and all the fill that goes into placing the pipe underneath the driveway portion of the road there, the whole total project cost is going to be \$17,000.00 to replace that. She stated that the road is caving in.

Ms. Enos stated that we are moving forward on the project, because of the seriousness and nature of it, not to mention that it's creating more flooding down in that area, because of this collapsed storm line. She expressed that we're going to get in there and begin the project.

We received quotes, and \$17,000.00 was the lowest quote we received from Maust Excavating. We also received the Highway Occupancy Permit.

Ms. Enos mentioned that she also talked to Solicitor Cascio about this, because of the driveway entrance for Mr. Onsteads complex there. So we're going to enter into an Agreement with him, as well.

Solicitor Cascio mentioned Mr. Onstead's curbs are in the right-of-way. He stated that if he wants to keep them, we are not going to replace them. He explained that the PA State Road Maintenance Law which has been in existence, states that the State can limit the extent of its maintenance obligations.

Solicitor Cascio explained that the case that was interpreted said that the Borough is responsible for the sidewalks, even though the sidewalks are on a State Highway. There's a good bit of Case Law that covers the subterranean. It's part of the water drain, but it's actually part of a bigger issue. Solicitor Cascio explained that when you're doing an improvement on a property, you can have them create the capacity that you need to avoid the water coming in in the first place.

Solicitor Cascio explained that a lot of buildings and developments were completed prior to 1986. At that time, you could have tax-free loans for industrial business developments.

Solicitor Cascio stated that going forward at issuing permits, the Borough can make applicants detain water, so you won't have this flooding process.

He stated that, over the years, the water has to go somewhere and the State is not in the storm water business. Solicitor Cascio mentioned that the Borough has gotten away with this for quite a while, but our opinion clearly is that we have to do something about the storm water. He stated that it can be a major problem every time, but in the future, if somebody is going to get a building permit, the applicant will have to tell us how they are going to deal with storm water. He mentioned that this is a necessary requirement.

Ms. Enos stated that one of the things that we are not incorporating into this project is the concrete curbing that is in the plaza parking lot, because of the results of some research with PennDOT. She stated that when Mr. Jim Onstead put the curbing in there, he had to get a Highway Occupancy Permit. At that time, he didn't have to go through the Municipality. Ms. Enos brought out that now they make the customers, residents and Construction Company's go through the Municipality for the Highway Occupancy Permits. Back then, Mr. Onstead was able to apply for the permit on his own, as a business owner, to do work along a State Highway. Penndot told Mr. Onstead that this concrete curbing is actually in the State's right-of-way, and if there was ever a project constructed there, or use of this right-of-way, the concrete curbing would have to be removed. So the Borough is not responsible for replacing it. Ms. Enos stated that is something that is also going to be noted in the Agreement that we draft with Mr. Onstead.

Solicitor Cascio stated the drains there do have a capacity. He stated that when they get overwhelmed with water, nothing is holding it all back. He mentioned that when the whole plaza was originally built, they should have had retention.

Solicitor Cascio expressed that our permitting, going forward, now covers eliminating the runoff water.

Ms. Enos brought out that Mr. Bolby has provided the Borough some suggestions on Storm Water Management that is a little bit more aggressive, which needs to be, because now we see all these parking lots that are paved along with renovations to homes and commercial buildings. She stated that this all makes a difference and contributes to all the storm water surface flooding.

Ms. Enos mentioned that all of Mr. Bolby's suggestions are based on other communities, and what he knows will provide a better tool for us to use when submitting these renovation projects that individuals will have to comply with.

Solicitor Cascio stated that we cannot rely on the idea that we do not have any responsibility for storm drainage. PennDOT is not in the water care business. They have the ability, by law, to limit what their responsibility is. He stated that when they are going to do roadwork, that is going to have water retention, this is a part of their permitting process and DEP's.

Ms. Enos stated that this project is one that we were not planning to do this year, but stated that she wanted to make Council aware of it. She mentioned that it is a significant project that has to be done, because of the condition of the road and its safety issues.

4. Bakersville Vol. Fire Dept. – Request for a donation.

Ms. Enos mentioned that this request was "tabled" from the last meeting. She stated that we haven't contributed to Bakersville Vol. Fire Dept. in the past, but that doesn't mean that we can't.

It was agreed upon by Council to not include this donation in the upcoming Council Meeting Agenda.

(b) Year to Date Financial Report – Provided through the month of May 2018.

Mr. Peters distributed the Year-to-Date Financial Statements through May 2018 to members of Council. He mentioned that we are five twelfths, or 41.66 % of the way through the year.

<u>General Fund</u> : Revenues – 60.99%;	Expenses – 40.84%
<u>Water Revenue Fund</u> : Revenues – 39.04%;	Expenses – 33.64%
<u>Sewer System Operating Fund</u> : Revenues – 38.34%;	Expenses – 23.47%

Mr. Peters stated that if there were questions, as the details are looked over on the reports, that anyone can call him, and he would try his best to answer the question.

(c) Manager's Report - Reports distributed to Council for all departments for the Month of May 2018.

Ms. Enos stated that all reports for the month of May were set out at Council's seats. She stated that if anyone had any questions about any of the Department Reports, to give her a call.

Ms. Enos briefly mentioned all the employees that are transitioning and training into their new positions in the various departments in the Borough.

Ms. Enos stated that the Uptown Sidewalk Project will begin in the fall. She stated that this is based upon the bidding requirements through PennDOT. She mentioned that PennDOT actually bids those projects, which will begin in August.

Ms. Enos mentioned that she was questioned from the Lion's Club about nobody working at the playground. She stated that the Lion's Club will be opening a concession stand there this summer. She mentioned that the individual that will be working at the concession stand has undergone all their clearances to be around the children.

Ms. Enos stated that the water fountain at the playground will not be turned on unless it is staffed. She mentioned that it has previously been discussed about having two female Borough employees "filter in" a few hours a day to supervise the water fountain so it could be turned on for the children a few hours a day. The female employees would also be required to obtain their clearances to staff the playground, as well.

Ms. Enos mentioned that advertisement for bids has gone out for the Paving and Sealcoat projects.

Ms. Enos also brought out that the Lion's Club wants to put new emblems and new signage on the sign at the Union Street Playground.

(d) President's Report - Given by Ruby Miller.

Mrs. Miller thanked Mr. Thomas for the food he provided for the meeting.

She also mentioned that Mr. Tom Jury repainted the Borough signs located on Patriot Street and at our composting site.

Mrs. Miller mentioned that the PSAB video of Somerset Borough was a nice video. She stated that Ms. Enos did a professional, fabulous job. She also expressed that Mayor Walker did a great job too.

Mrs. Miller stated that the Lion's Club informed her that the ground in front of their handicapped swings were sinking, and mentioned that an individual had their wheelchair stuck there.

Ms. Enos stated that it was already taken care of. She stated that they already have special material ordered to take care of the problem. Ms. Enos mentioned that it may be already installed.

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

Mrs. Pyle stated that Somerset Inc.'s meeting is tomorrow morning, so she had nothing to report at this time.

(f) PSAB Report – Given by Fred Rosemeyer.

(Mr. Rosemeyer was not present to give his report)

(g) Somerset Volunteer Fire Dept. Report - Given by Steve Shaulis.

Mr. Shaulis stated that the Fire Department had a total of 19 fire calls during the month of May. He stated that everyone is highly aware of the problem we are having at the trailer court. He stated that this is a very serious situation, and it's at the point now where the Chiefs have decided to let the trailers burn, and to make sure that no lives are in danger. He stated that they are not risking their Firemen to put an abandoned trailer fire out.

It was mentioned that the Fire Marshall is opting not to go to the site. Chief Cox mentioned that the Fire Marshall is viewing it as an unoccupied trailer fire. Chief Cox stated that we are getting a lot of good support from Pennsylvania State Police. He stated that the Fire Marshal is going to do a police report based on the information.

(h) Engineer's Report – Given by Jake Bolby.

Mr. Bolby mentioned that all the Sewage Flow Meters are in place.

He also mentioned that they have two EADS employees in the field inspecting manholes. He stated that it will probably be another month or two before they are all inspected. The information taken from this inspection will be used as part of the study and report for the Sewer System.

Mr. Bolby also brought out that, with regards to the other projects that are to begin, they are in the administrative phase, and the projects have been awarded. They are going through the documents reviewing their submittals and shop drawings, and having all the contract documents in place. So construction on these projects will be happening in the next month or two.

(i) Mayor's Report – Given by Mayor Walker.

Mayor Walker mentioned that our new Police vehicles are outfitted, and now in service. He stated that Officer Zelek donated quite a bit of his own personal time to undertake the task of adding lighting and graphics to the Police cars.

Chief Cox stated that they did away with the light bars on top of the Police cars, because years from now, it will be easier to convert those cars to a reserved use without a light bar on top of them.

Executive Session – *Council went into Executive Session to discuss potential litigation.*

ADJOURNMENT

Motion

Mrs. Opp moved to adjourn, motion seconded by Mrs. Pyle.

Motion Unanimously Carried.

6:15 p.m.

Michele A. Enos, Borough Secretary