

Borough of Somerset Committee of the Whole
February 11th, 2019 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; Fred Rosemeyer; Judy Pyle; Pam Ream; Sue Opp; Steve Shaulis and Gary Thomas. Also present was Mayor Scott Walker.

Absent was Junior Council Member Jonathan Wagner.

Also present were the following: Borough Manager, Michele Enos; Director of Finance, Brett Peters; 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) Mr. Curtis Morgese

Mr. Curtis Morgese introduced himself to Borough Council, and stated that he is a candidate for Somerset County Commissioner.

He disclosed his background to Borough Council regarding his life and accomplishments.

Mr. Morgese mentioned that he is presently a permanent resident of Indian Lake, and a member of Indian Lake's Borough Council, for the past 6 years. He mentioned some of Indian Lake Borough's undertakings over the last 6 years in their community.

Policy Agenda:

Old Business:

(a) None

New Business:

(a) Request form submitted by Manager Enos:

1. Stormwater Management – Discussion concerning stormwater ordinance.

Ms. Enos brought out that there has been a great deal of discussion concerning better ways to address the Borough's stormwater issues with new construction and renovation projects.

She distributed an Ordinance summary, provided by Mr. Bolby, which discusses changes being purposed for consideration in a new Stormwater Ordinance.

Mr. Bolby explained that the Borough's current Ordinance was adopted in 2005 and was a County approved plan. It was in accordance with Act 167 specific to Stormwater Management. He stated that the Act 167 covered Stormwater Management only related to land development. It does not provide any regulations regarding existing issues. Mr. Bolby disclosed that some areas have been found in our current Act 167 Ordinance that can be improved.

Mr. Bolby said that a land developer or owner who desires to put up a building in the Borough, and seeks a Building Permit, would currently have to go through the process of looking at Stormwater Management through the current Ordinance. Mr. Bolby brought out that, in most cases, the project would be exempt because of the way the current Ordinance is written and the exemptions that it provides. He stated that the current Ordinance is not providing much improvement, or benefit, in Stormwater Management the way it is written.

Ms. Enos added that more construction and renovation is contributing to an already bad situation we have in the Borough with stormwater.

Mr. Reilly alluded to the fact that for every new project that has an exemption, there are no Stormwater Management controls required.

Solicitor Cascio stated that the purpose of Stormwater Management is to prevent any new construction from adding to the stormwater flow.

Mr. Bolby brought out that they are recommending "tightening up" the exemption criteria to place more projects into a category which require them to do some level of Stormwater Management and incorporate Redevelopment Projects.

Mr. Bolby stated that the Engineers also recommend creating a "Small Projects" classification and process, which is a streamlined process for residential construction or smaller developments.

Mr. Bolby disclosed that this will result in higher costs in land development. He mentioned that Stormwater Management takes place throughout Pennsylvania and everywhere there is Act 167 Stormwater Management Plans in place. He mentioned that this will help out with the flooding and other stormwater related issues.

Solicitor Cascio recapped that if someone is going to make changes to their property, you cannot create any additional area which increases runoff without providing for its containment and control.

Ms. Enos mentioned that an updated Ordinance would require individuals to make changes during new construction, or renovation, to include Stormwater Management.

Ms. Enos stated that they will move forward with the advertising requirements for this Ordinance.

Discussion continued regarding permits, ordinances and water containment during former building projects and land development in Somerset Borough and Somerset Township.

2. Donation Requests – Discussion concerning the following requests for donations.

a) Daily American 10K – 5K Fitness Challenge

Ms. Enos mentioned that, in the past, the Borough has donated to this event. The maximum donated was \$200.00.

All of Borough Council agreed not to donate to this event this year due to budgetary restrictions. This request will be removed from official action.

b) Camp Cadet of Somerset County

Ms. Enos stated that this request comes in every year although Borough Council has chosen not to donate to Camp Cadet in the past.

All of Borough Council agreed not to donate to Camp Cadet due to budgetary restrictions. This request will be removed from official action.

c) Somerset County Courthouse Clock

All of Borough Council agreed not to donate to the Somerset County Courthouse Clock due to budgetary restrictions. This request will be removed from official action.

(b) Request form submitted by Vice-President Ream:

1. Legal Opinion – Guidelines for Council Members to follow when speaking to outside groups concerning Borough business and/or agenda items.

Mrs. Ream expressed that her request was prompted by an article in the local newspaper that followed the Borough Council's vote in regards to raising taxes in the Borough. Upon completion of the Council Meeting, her concern arose when she overheard Council Members making quotes to the newspaper that were questionably fact-based.

Mrs. Ream expressed that the quotes concerned her due to the fact that she was unsure whether a Borough Council Member met with outside individuals about Borough Council information. She stated that she was uncertain whether this should be a concern for the Borough Council as a whole.

Mrs. Ream shared information for all Borough Council to review that would inform them of the facts regarding the Borough and the Real Estate situation here

before deciding to make quotes for the newspaper. This was general information regarding the population who pays taxes in the Borough.

Mrs. Ream's concern was that articles in the newspaper are sometimes written in a way that are not always portrayed accurately, so therefore, miscommunicated to the public.

Mrs. Ream explained that at this particular Council Meeting, the local newspaper reporter took the opportunity to converse *only* with those Council Members who voted "no" to the tax increase. She brought out that the newspaper reporter did not offer any Council Member, who voted "yes" to the tax increase, an opportunity to give the reasons behind their vote. Mrs. Ream added that the article made it look favorable for those Council Members who voted against the tax increase.

Mrs. Ream stated that Borough Council needs to be careful when providing comments to the local newspaper, and to make sure their comments are factual, because readers can misconstrue comments and what occurs at Council Meetings.

Solicitor Cascio explained that Somerset Borough Council is structured under PA Law with its applied rules. He brought out that a Borough Council can only take "action" by majority vote. He stated that *no Council Member* has individual authority.

He stated that Council is permitted to have Executive Sessions to discuss certain limited items. All matters discussed in Executive Session are protected, and any disclosure is a misdemeanor, or crime, under the "Opening Meetings" Law.

Solicitor Cascio also mentioned that if there is a need to gather facts, a meeting with Council Members to gather information that could influence the Council's decision-making should be done *as a group*. He stated that "workshops" and "work sessions" for Borough Council could help gather information, in accordance with PA Law for fact-finding, if Council so chooses to take advantage of this. Solicitor Cascio stated that this is the best practice so *all* are using the same piece of information to help make a more informed decision *as a group*.

(c) Year to Date Financial Report – Provided through the month of January 2019.

Mr. Peters distributed the Year-to-Date Financial Statements, through January 2019, to members of Borough Council. He mentioned that we are 1/12th of the way through the year, or 8.33%.

General Fund:

Revenues – 4.07%

Expenses – 8.30%

Water Fund:

Revenues – 7.76%

Expenses – 7.87%

Sewer Fund:

Revenues – 8.16%

Expenses – 8.57%

Mr. Peters stated that after Borough Council had an opportunity to look at the numbers, if they had any questions, he would be glad to answer them.

(d) Manager's Report – Reports distributed to Council for all departments for the month of January 2019.

Ms. Enos stated that when Borough Council had an opportunity to look at the Department Reports, if they had any questions, feel free to call her at any time and she'd be glad to answer any questions.

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

Mrs. Miller thanked Mr. Rosemeyer for the meal he provided for the Committee Meeting.

Mrs. Miller also thanked everyone in the Borough for all their hard work.

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

Mrs. Pyle mentioned that Somerset Inc. recently held a meeting for Trinity Park and brought out that they still need to raise \$38,000.00 for matching funds. She discussed the work that needs to be done to complete the park.

Mrs. Pyle stated that sections of Trinity Park that have already been completed, will be roped off and utilized. Completion of the entire park is set for mid-August 2019.

Ms. Enos mentioned that the schedule for the Sidewalk Project has changed. A new outline has been approved by PennDOT. The project is to start in March 2019, and scheduled to finish up by the end of July 2019. She brought out that this 4-month project will include both sides of the street.

(g) PSAB Report – Given by Fred Rosemeyer.

Mr. Rosemeyer stated that he had nothing to report for PSAB.

(h) Somerset Volunteer Fire Department Report - Given by Steve Shaulis.

Mr. Shaulis mentioned that the Fire Department expresses its "thanks" to Borough Council for passing Act 172 Credit Ordinance for Volunteer Firefighters. This year, there will be 7 members who will be eligible for the tax credit. The Fire Department stated that it is their hope that this will be an incentive for members to increase their participation during the year ahead. The Fire Department also expressed their appreciation for the efforts of Ms. Enos in helping them through the process of making this a reality.

Mr. Shaulis also mentioned that the Fire Department has been approved for purchasing five (5) sets of gear which will cost approximately \$15,000.00.

Mr. Shaulis also brought out that fourteen (14) members of the Fire Department recently participated in the Hazardous Material Operation Level Training Review.

The "Cash Bash" fund raising event is planned for March 9th, 2019 in the Community Room. Tickets are now being sold.

Further discussion was held among Borough Council regarding Act 172 and the need for Volunteer Firefighters.

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

Mr. Bolby stated that, with approval at the last Council Meeting, the 2019 Sewer Maintenance Projects are being started.

Also, a meeting was scheduled with DEP on February 12th, 2019 to discuss the Sewer Issues. More will be reported on after this meeting is held.

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

Mayor Walker brought out that both new Police Officers have nearly completed their training, therefore, just about ready to go out on their own.

Executive Session – None requested.

ADJOURNMENT

Motion

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

Motion Unanimously Carried
6:15 p.m.

Michele A. Enos, Borough Secretary