

# **Borough of Somerset Committee of the Whole**

## **February 10th, 2020 5:00 p.m.**

### **1. Meeting Called to Order - President R. Miller**

### **2. Pledge of Allegiance**

### **3. Roll Call:**

Council Members present: Ruby Miller; Fred Rosemeyer; Lee Hoffman; Sue Opp; Steve Shaulis and Gary Thomas.

Council Member absent: Pam Ream

Present: Mayor Scott Walker.

Also present: Junior Council Member Patrick Kuhn.

Also present were the following: Borough Manager, Michele Enos; Director of Finance, Brett Peters; Administrative Assistant, Roger Bailey; Solicitor, James Cascio; Consulting Engineers, Tom Reilly and Jake Bolby.

### **4. Announcements:**

(a) *None*

### **5. Approval of Minutes of Previous Meeting:**

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

### **6. General Public Comments:**

(a) *None registered*

### **7. Policy Agenda:**

#### **Old Business:**

(a) *None*

#### **New Business:**

(a) Request form submitted by Manager Enos:

1. Act 172 Tax Credit – Discussion concerning the list of eligibles that were approved and submitted by the Somerset Volunteer Fire Department.

Ms. Enos stated that the Act 172 Tax Credit was initiated last year for the Volunteer Firemen who complete the criteria described in the guidelines of that Ordinance. The list of seven eligibles was certified from the Fire Chief and the President of the Fire Department.

The names of the eligibles are: William Barnhart, Jr., James Clark; Jessie Clark; Jarod Rhodes; David Sube; Robert Whipkey and Gregory Irvin.

This will be placed on the next Council Meeting Agenda for Borough Council's consideration and authorization. Discussion ensued concerning the effectiveness of this as an incentive to recruit or retain Volunteer Firemen.

*2. DEP Recycling Grant – Discussion concerning the execution of the grant agreement and DEP approved budget.*

Ms. Enos explained that the DEP approved budget goes to public education, collection equipment, which is the tandem truck, processing equipment, which is a new wood chipper, recycling bins and advertisement for recycling.

Ms. Enos brought out that the agreements and documents have to be executed with DEP, and have to be resubmitted to DEP by March 2, 2020. She mentioned that the next Council Meeting is going to be cutting this date very close, with only a few days to get the agreement back to DEP. Therefore, this will leave a very strict timeframe on receiving it back.

Ms. Enos stated that the grant amount is \$126,000.00. Our local share is \$18,000.00, which was budgeted for. She added that nothing could be purchased or moved forward until we execute the grant agreement and we receive that executed document back. She noted that we have three years to spend it, and that it will certainly help our General Fund out greatly.

**Motion**

Mr. Rosemeyer moved, Mr. Thomas seconded to approve the execution of the agreement for the D.E.P. Recycling Grant.

Motion Unanimously Carried

*3. Capital Equipment for Public Works – Discussion concerning the appropriation of funds to purchase a front end loader.*

Ms. Enos stated that this was on the Capital Budget list this year for Public Works. It is multi-funded, so it will be utilized for water, sewer and general purposes. It was budgeted that way, and approved in the budget. She added that the next step in the purchase is to appropriate the funds.

Ms. Enos brought out that at the next Council Meeting, Council will be asked for their authorization. She mentioned that we are getting a \$44,000.00 trade-in amount for our current front-end loader. She said that if our current front-end loader were fixed, it would cost approximately \$45,000.00 to keep on the road. This amount would be more than the value of the machine.

Ms. Enos disclosed that there is no required bidding; however, we received three separate quotes from Co-Star participating companies who are already a part of the State's contract. The lowest quote we received was from Groff Equipment.

Mr. Bailey mentioned that the Borough's current front-end loader is a Caterpillar brand. The one we are interested in is a Case brand left over from last year.

He added that a Caterpillar Front End Loader was quoted at \$24,000.00 more than a Case Front End Loader. He disclosed that Groff Equipment needed to know if we were interested in purchasing the Case Front End Loader to hold it for us.

### **Motion**

Mr. Thomas moved, Mrs. Opp seconded to appropriate the funds for the Capital Equipment purchase of a Case Front-End Loader to be utilized by the Water, Sewer and Public Works Departments.

Motion Unanimously Carried

#### **4. Donation Requests:**

**(a) Camp Cadet of Somerset County – Requesting a donation for the year 2020.**

Ms. Enos pointed out that this donation request was not approved in the past.

Mr. Rosemeyer suggested contributing to Camp Cadet.

Mr. Thomas agreed.

Solicitor Cascio stated that if he is asked to give a formal opinion, it is difficult to justify this type of donation under the current Borough Code. He said that he sees nothing in the Borough Code that authorizes these types of donations, but added that it has historically been done for a long time.

Solicitor Cascio brought out that the making of these types of donations is not something that is authorized by the statute. He stated that Borough Council could only exercise the powers the State Legislature grants to them.

Solicitor Cascio said that he would like the opportunity to verify this by providing more details based on research, and present the information to Borough Council at the next Council Meeting.

Solicitor Cascio added that donations are allowable to organizations who provide a Municipal Service.

Mr. Peters stated that there is information provided in the Borough Budget Bulletin that covers donations that are allowable and not allowable. He added that he would be happy to provide Borough Council with this information.

Borough Council, as a whole, agreed to "table" this donation request until the next Borough Council Meeting.

*(b) Request form submitted by Chief Cox and Mayor Walker:*

*1. Transient Retail Licenses – Discussion concerning potential amendment or creation of a new ordinance governing the time limits for solicitation.*

Solicitor Cascio disclosed that this was prompted by Chief Cox having a question about amending an existing ordinance in the Borough. Chief Cox received a complaint about individuals knocking on people’s doors after dark.

Solicitor Cascio explained that an old Borough Pedaling & Soliciting Ordinance was passed in 1967 for transient businesses. He acknowledged there are many different ways Pedaling and Soliciting has transpired since 1967. Solicitor Cascio mentioned that he and Chief Cox discussed reviewing the whole ordinance through the whole area of regulation.

Solicitor Cascio distributed a prototype ordinance from 1985 to Council that could be used as a model for a new one. He said that this could be considerably modified and “fine-tuned” for the particular concerns of the Borough. A final ordinance would set forth modern procedures. He added that we could have the option to amend the current ordinance, but it is too archaic.

Chief Cox explained that he received a phone message expressing concern about peddlers coming to neighbor’s doors in the evening after dark. He added that this was not the first time he had heard this complaint. He stated that this would now be a good time to look at the ordinance.

Chief Cox discussed the 1985 model ordinance and how it could be modified for the Borough’s purposes and needs.

Solicitor Cascio suggested preparing a new draft ordinance to address these particular needs, and then presenting it to Borough Council for their review.

Borough Council also discussed varying situations that could be addressed in a new ordinance.

*(c) Year to Date Financial Report – Provided through the month of January 2020.*

Mr. Peters distributed the Year to Date Financial Statements through January 2020. He added that we are 8.33% of the way through the year.

**General Fund:**

Revenues – 3.81%

Expenses – 7.91%

**Water Fund:**

Revenues – 7.97%

Expenses – 8.50%

**Sewer Fund:**

Revenues – 7.35%

Expenses – 9.32%

Mr. Peters added that if Borough Council had any questions, to contact him and he would do his best to answer any questions they might have.

*(d) Manager's Report – Reports distributed to Council for all departments for the month of January 2020.*

Ms. Enos stated that if Borough Council had any questions, to reach out to her and she would answer any questions that they may have.

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

Mrs. Miller thanked Mrs. Ream for providing food for the Committee Meeting.

She also mentioned that the County Boroughs Association Banquet would be held on March 17<sup>th</sup>, 2020.

Mrs. Miller disclosed that she received a phone call from Tom Altman for the Republican Party District 8, regarding a "Trump Rally" that will take place. She added that any Council Member that would like to go to this event by bus could reach out to Mr. Altman on his cell phone for more information.

Mrs. Miller asked Chief Cox his opinion on the article in the newspaper regarding paying a State Police Fee by Municipalities.

Chief Cox stated that he had not read the bill, only the article that was in the newspaper. He stated that the fee proposals are made every year.

Chief Cox mentioned that some of the bills that have materialized would actually be beneficial and workable in support of the Municipalities that already operate a Police Department. However, some of them could be ruinous to the Law Enforcement across the Commonwealth.

Discussion ensued among Borough Council regarding this subject.

*(f) Somerset Inc. Report - Given by Lee Hoffman.*

Mr. Hoffman brought out that the Fire & Ice Festival was considered a success by participating individuals. He mentioned that there was a lot of good publicity, and people from other states attended as well.

Mr. Hoffman said that the Fire & Ice Festival remained profitable, but added that the rising costs, in general, put a "dent" in Somerset Inc.'s profit margin from what it was 15 years ago.

Mr. Hoffman disclosed that next year's Fire & Ice Festival theme will be "The Roaring Twenties."

He also brought out that Trinity Park got the final funding secured for the fourth and final phase, which will include an ascending stage towards the back of the park. The finalized details will be discussed at the February 20<sup>th</sup>, 2020 Somerset Inc. Meeting.

Mr. Hoffman mentioned that Somerset Inc. is looking to acquire the Brinker Building. He stated that this is "moving along." An appraisal was completed.

Mr. Hoffman also mentioned that the Historical Design Project was delayed because of equipment issues at Vo-Tech. That has been resolved, and the project will be picking back up again. There are 11 signs completed. At completion, there will be

approximately 20-25 signs. He said that in the upcoming spring or summer months, there will be another sign unveiling, and eventually a walking tour with additional historical information will be added.

Chief Cox acknowledged the Somerset Inc.'s video that was produced. He disclosed that it was made for an HGTV contest, and added that Somerset Inc. will have great usage for it otherwise too. He said it was a "tremendous piece of work."

*(After adjournment, Chief Cox played the video for all of Borough Council to watch)*

*(g) PSAB Report – Given by Fred Rosemeyer.*

Mr. Rosemeyer mentioned that Governor Ridge would be the Keynote Speaker at the PSAB Conference in Hershey, PA June 7<sup>th</sup>-10<sup>th</sup>, 2020. He recommended that everyone attend, and added that it is a nice conference.

He also mentioned that the County Boroughs Association Banquet would be held on March 17<sup>th</sup>, 2020. He encouraged all to attend.

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

Mr. Shaulis brought out that in January 2020, the Fire Department responded to 30 total alarms, 12 were in Somerset Borough.

The Fire Departments Annual Fund Drive will get under way this month. In the past, the fund drive was held in the month of October; however, it was decided to move it to February because of the Golf Tournament and Cash Calendar sales. Also, with the holiday season getting under way, October was not the best time of the year to do it.

A Modified Essentials Firefighter Training Class will start February 4<sup>th</sup> at the Fire Station. This special class provides approximately 45 hours of instruction, as opposed to a regular state course of 160 hours. The Modified Class serves as a refresher training for current firefighters, and provides new members with enough training to be helpful at the scene of a fire until training that is more extensive can be obtained, which would include the use of the air packs, etc. for interior firefighting. The class is being taught in conjunction with Westmoreland County Community College. In addition to our members, several other departments will be participating.

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

Mr. Bolby distributed an "Engineer's Report" to Borough Council that recapped some of the things that happened in 2019 that are either complete, or that may be spilling over into 2020. He added that this is a very similar report to what the Municipal Authority reviewed.

Mr. Bolby pointed out that the only thing on the report not mentioned, that pairs with the loader, is that new garage doors are needed so the loader can fit into the garage. He disclosed that the new loader is higher than the existing overhead doors. He said that this requires changing some of the structure. The engineers are working

with Mr. Bailey and Mr. Glessner now to make sure that the doors are big enough to get the loader into the garage. Mr. Bolby added that we will getting a building permit before moving forward with the structure changes. The work will also be done in-house.

## **WATER**

### ***Highland Park Loop Project (Borough):***

Mr. Bolby brought out that this project is being funded through the Small Water & Sewer Grant that the Borough was successful in obtaining. Rights-of-Ways are obtained, so construction is planned for spring 2020. The contractor is to coordinate the schedule for this.

### ***Water System Capital Improvement Projects (Authority):***

Mr. Bolby brought out that the Study Report has been reviewed with the Municipal Authority, and discussion was held on the scope of work involved. He noted that this project is focusing on replacement of water lines that have either failed, or historically, continue to leak. The project scope has been refined as part of the study effort.

Mr. Bolby disclosed that the Distribution Department has fixed more leaks than they have in the past year or two. At this time, we are unsure of what the overall impact has been for 2019. Mr. Bolby stated that the report numbers can be retrieved from the Water Treatment Department, and once received; he will present Council with the leak percentage numbers, which will include the first full year of leak detection and repair.

Mr. Bolby stated that we are in the design phase and will be moving forward with design and into the permitting phase. This process takes several months to get through. At the end of the permitting phase, there will be an application to PennVEST for funding. They will return with an offer. Then a meeting will be held with the Distribution and Treatment staff to go over the whole study and get their input. After that meeting, they will be reporting to the Municipal Authority on what the staff has thought about the project and their input on the project scope.

Mr. Bolby added that the project is set to be complete in November 2022.

## **SEWER**

Mr. Bolby disclosed that three of the 2019 budgeted Sewer Maintenance Projects were completed. They included the *Digester Evaluation*, which was done to see how much it would cost to clean the digesters. A smaller project at the *East End Pump Station* was fixed. In addition, the *Baffle* was fixed on the *Primary Clarifier*.

Upcoming projects that were voted on and approved as part of the Budget Development Process for 2020, was an *Overflow Meter. Roof Repair* at two of our buildings. Lastly, the sprockets that were found to be in bad shape in the *Primary Clarifier* will be replaced.

***H2O PA Grant Application Project (Authority):***

Mr. Bolby disclosed that this grant application was submitted before the December 13<sup>th</sup>, 2019 deadline for DCED funding. It was for cleaning of all the sewer lines, televising the sewer lines and repair work. The ongoing discussion, with the issue of the Sanitary Sewer System, is related to the hydraulic overload.

Mr. Bolby explained that the cleaning of all the sewer lines, televising the sewer lines and repair work, were the first steps that DEP had asked the Borough to do. So the effort was put into the grant application package. As a result, the grant is moving forward along with the project.

Mr. Bolby brought out that depending on the timing of the grant, there might be a need to provide some interim financing. He explained that the grant program can only cover costs that have been incurred *beyond* grant approval. So if the costs of the project would be incurred *before* a successful grant was received, then the grant would be applied to other things.

Mr. Bolby mentioned that he and Ms. Enos recently met with Somerset Trust Company to discuss interim financing for the Borough.

Ms. Enos explained that they are looking into at least \$4-5 million dollars for interim financing until it is discovered what the Borough is going to be offered from PennVEST. Somerset Trust is willing to do this for the Borough at a little less than the prime interest rate, which for the Borough would be approximately 3.5% financing. She added that once we would receive the PennVEST money, that interim financing from Somerset Trust could be rolled into that longer-term PennVEST loan. Somerset Trust is aware of this as well. She said that Somerset Trust would have to set the loan up based on requirements that PennVEST would have.

Ms. Enos said that she and Mr. Bolby would be meeting with Somerset Trust again to get a final cost. She added that the Borough budgeted for this in the budget process for 2020.

Mr. Bolby stated that when the Borough begins getting into the cleaning and televising project, further details would be discussed.

***Fecal Coliform Violations:***

Mr. Bolby brought out that these violations occurred 2016, 2017, and 2018. We were put on notice to correct that issue, we prepared a permit package to install a new infrastructure and that was finalized and put into operation February 28<sup>th</sup>, 2019. Since that time, there has been no fecal coliform violations. The employees at the

Sewer Plant are happy with the new equipment, and said it is working well for them. As long as the equipment stays “healthy”, we do not anticipate any more violations.

## **STORMWATER**

Mr. Bolby mentioned that in 2019, an updated Stormwater Ordinance was passed. It was put in place after the Brierwood Stormwater Study was done. One of the recommendations of the study was to improve and have better regulations that handled redevelopment, which is mostly what occurs in Somerset Borough.

Mr. Bolby also noted that in the early parts of 2019, brief discussion was held with Borough Council and the Municipal Authority regarding the sewer system and funding. He added that further discussion could be held in the future if either entity would like to discuss infrastructure and how to move forward with any future project that may be scheduled or planned. Discussion could also include anything the Borough would like to see done as far as stormwater infrastructure improvements.

*(j) Mayor’s Report – Given by Mayor Walker.*

*(Mayor Walker had no current topics that he needed to discuss)*

**8. Executive Session – None requested.**

## **9. ADJOURNMENT**

### **Motion**

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

Motion Unanimously Carried

6:20 p.m.

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Michele A. Enos, Borough, Manager/ Secretary