

**Borough of Somerset Council Meeting**  
**January 25<sup>th</sup>, 2021 - 5:00 p.m. (*Teleconference Meeting*)**

**1. Meeting Called to Order - President Ruby Miller**

**2. Pledge of Allegiance**

**3. Roll Call:**

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

Absent: Mayor Scott Walker.

Also absent: Junior Council Member Sierra Urban.

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

**Public Attendance:**

a) None

**4. Announcements**

a) None

**5. Approval of Minutes of Previous Meetings:**

a) December 28<sup>th</sup>, 2020 – Borough Council Meeting Minutes.

**Motion**

Mr. Rosemeyer moved; Mrs. Opp seconded to approve the December 28<sup>th</sup>, 2020 Borough Council Meeting Minutes.

Motion Unanimously Carried

**6. Award of Bids:**

a) State Hospital Storage Tank – Emergency Generator Capital Project – Consider awarding the bid to the lowest responsive bidder based upon the Engineer's review and recommendation.

Ms. Enos highlighted that this was a 2020 Capital Project. The advertisement for bids went out in December 2020. The bid opening was on January 20<sup>th</sup>, 2021. She said that 6 bids were submitted for this contract.

Ms. Enos mentioned that this project was estimated to be \$85,000.00 or greater. The lowest responsive bid was \$76,000.00, received from Bob Biter Electrical from Cresson, PA.

The Borough's Engineers recommended, and approved, that this lowest responsive bidder meets all of the qualifications based upon the bid specifications.

**Motion**

Mrs. Opp moved, Mr. Rosemeyer seconded to award the Emergency Generator Capital Project, at the State Hospital Storage Tank, to Bob Biter Electrical, Cresson, PA, the lowest responsive bidder, in the amount of \$76,000.00 based upon the Engineer's review and recommendation.

Motion Unanimously Carried

**7. General Public Comments:**

a) *None requested*

**8. Administrative Business:**

a) *Communications (None)*

b) *Payment of Bills – Month of January 2021.*

**Motion**

Mrs. Opp moved, Mrs. Ream seconded, to approve the payment of bills for January 2021 numbered 35980 - 36109 totaling \$518,994.60.

Motion Unanimously Carried

c) *Department Reports for December 2020* – *Consider approving the Departmental Reports for the month of December 2020.*

**Motion**

Mr. Shaulis moved, Mrs. Opp seconded, to approve the Departmental Reports for the month of December 2020.

Motion Unanimously Carried

**9. Policy Agenda:**

**Old Business:**

a) *None*

**New Business:**

a) *Resolution No. 2021-01* – *Consider authorizing the disposal of certain records in accordance with the Rules and Regulations of the Commonwealth's Record Retention and Disposition Schedule.*

**Motion**

Mrs. Ream moved, Mrs. Opp seconded to authorize the disposal of certain records in accordance with the Rules and Regulations of the Commonwealth's Record Retention and Disposition Schedule.

Motion Unanimously Carried

**RESOLUTION No. 2021-01**

*WHEREAS The Borough of Somerset adopted Resolution No. 87-02 on April 27, 1987 providing for the destruction of certain papers in accordance with the Retention and Disposition Schedule for Records of Pennsylvania Municipalities and;*

*WHEREAS The Somerset Borough Administration wishes to dispose of some of its records in accordance with this Resolution.*

*NOW THEREFORE, BE IT RESOLVED, that the following items be authorized for purging:*

**POLICE DEPARTMENT:**

- ... 2013 Accident Reports*
- ... 2018 Abandoned Vehicle Forms*
- ... 2019 Abuse Petitions*
- ... 2010 Trespass Records*
- ... 2016 Letters In / Out*
- ... 2016 Warning / Repair Forms*
- ... 2016 Borough Permits*
- ... 2015 CIT Data Sheets*
- ... 2014 Vehicle Calibrations*
- ... 2017 Seized License Plates*
- ... 2017 Drivers Records*
- ... 2018 Due Diligence Forms*
- ... 2019 Paid / Voided Parking Tickets*
- ... 2017 TDR's (Transport/Detention/Release Record)*
- ... 2016 Closed Traffic and Non-Traffic Citations*
- ... 2017 Residential Parking Permit Applications*
- ... 2019 Victim Services Forms*
- ... 2017 Magistrate Reports*

**WATER/SEWER DEPARTMENT:**

- 2013 Water/Sewer Bills*
- 2013 Penalty Run & Account Detail Sheets*
- 2013 Daily Cash Receipts Journal*
- 2013 Adjustments*
- 2013 Log Books*
- 2013 Payment Schedules*

***ADOPTED*** this 25th day of January 2021.

*b) Somerset Borough Real Estate Tax Collector – Requesting a salary review for the position of Tax Collector for the years 2022, 2023, 2024, and 2025. (Any changes made to the salary must be set on or before February 15<sup>th</sup>, 2021)*

Ms. Enos explained that, typically, before an election, a request is made for a review of the Tax Collector’s salary, because if adjustments are made to the salary, that will cover the 4-year term that the Tax Collector is in, regardless of who wins the position. A salary increase would include the years 2022, 2023, 2024, and 2025. By law, this has to be set prior to February 15<sup>th</sup>, 2021.

Ms. Enos pointed out that when Borough Council reviewed this 4 years ago, an increase in salary was set by percentage increments. The last 4-year term percentages were: **first year** - 3% increase; **second year** - 2.5% increase; **third year** - 2.0% increase and the **fourth year** - 1% increase.

Ms. Enos disclosed that for just collecting the Borough’s taxes, the annual income of the current Real Estate Tax Collector is \$12,497.64. This income does not include her wages from Somerset County or the Somerset Area School District.

Mr. Cascio stated that this is set by statute based on the concept that you cannot raise the salaries during their term of office.

**Motion**

Mrs. Ream moved, Mr. Rosemeyer seconded to set the salary rate increase for the Tax Collector for the years 2022, 2023, 2024 and 2025, the next 4-year term, at **first year** - 3% increase; **second year** - 2.5% increase; **third year** - 2.0% increase and the **fourth year** - 1% increase.

Motion Carried Unanimously

*c) Request for Subdivision Approval – A request to subdivide a parcel located at 238 W. Patriot Street. Consider referring this to the Somerset Borough Planning Commission for their review and recommendation to Borough Council.*

Ms. Enos stated that the property at 238 W. Patriot Street is owned by two owners, Chad Mosholder and Charlie Korn. This was a recently purchased blighted property.

Ms. Enos mentioned that it is common for this request to come through, especially when there are two owners, to subdivide the parcel.

Ms. Enos explained that after the request comes into Borough Council, the Borough Council will ask its Planning Commission to meet, review and make a recommendation back to them, making sure it complies with the Rules & Regulations set forth by the Planning Commission.

**Motion**

Mr. Rosemeyer moved, Mr. Hoffman seconded to authorize sending a request regarding subdivision approval, located at 238 W. Patriot Street, to the Somerset Borough Planning Commission for their review and recommendation.

Motion Carried Unanimously

*d) Letter of Resignation from Christopher Pile– Consider authorizing the removal of Mr. Pile from the roster of Part-time Police Officers.*

Chief Cox brought out that he had accepted a leave-of-absence from Christopher Pile for the purposes of attending Pennsylvania State Police Academy. He pointed out that Mr. Pile graduated in January and is now a Pennsylvania State Trooper stationed out of Chambersburg. Chief Cox said that it would be fitting to accept his letter.

Chief Cox also requested that Borough Council send Mr. Pile a letter thanking him for his service and congratulating him on his new position.

Chief Cox brought out that Mr. Pile was an Officer who experienced tremendous growth as an Officer during his 10 years at the Somerset Borough Police Department. He added that Mr. Pile certainly left here in very good standing.

**Motion**

Mr. Thomas moved, Mrs. Ream seconded to authorize the removal of Mr. Pile from the roster of Part-time Police Officers, and to also formulate a letter thanking Christopher Pile for his service at the Somerset Borough Police Department.

Motion Unanimously Carried

*e) Somerset Borough’s Stormwater System – Discussion concerning the possibility of transferring ownership of our stormwater system to the Municipal Authority.*

Ms. Enos explained that, currently, any stormwater complaints or costs are being spent with General Fund monies. She said that it seems to be the movement that Municipal Authorities are taking on the stormwater systems, similar to what they do for water and sewer. There are multiple reasons for this, such as grant funding and the ability to have a rate attached to water and sewer billings instead of using millage for stormwater issues.

Ms. Enos brought out that discussions have occurred with Borough Council, and the Municipal Authority, about transferring ownership of the stormwater system. She said we currently have a lot of flooding taking place in the Borough along with stormwater issues.

Ms. Enos stated that the funding we have set aside for stormwater in our General Fund is not much. It does not give us the ability to make significant corrections or provide stormwater management in areas where we currently do not have stormwater facilities, because it is all based on millage. She added that we do not want to continually tax the residents by raising millage to address stormwater issues.

Solicitor Cascio stated that it is very common for other Municipalities to raise the revenue through some sort of fee structure that is often being tied to water consumption. This would

help take some of the pressure off of the Borough's tax millage. He added that the fee structure could be reconstituted in a way that some of the money needed for stormwater issues can be added onto the water and sewer bill.

Ms. Enos stated that she, Solicitor Cascio and Mr. Bolby discussed having a Joint Meeting between Borough Council and the Municipal Authority Board, when we are able to have in-person meetings again, to discuss these particulars. Flooding and current issues the Borough has could be addressed, and also how the Borough could generate income, other than millage, so projects could be done that would benefit the community, especially where there is flooding.

Ms. Enos added that the transfer would remove the expenses from the Borough's General Fund, where millage has to be used, and it would transfer those types of costs over to the Municipal Authority similar to water and sewer. This would give the Borough the ability to generate revenue without increasing tax millage.

Ms. Enos noted that there are a lot of advantages of discussing this option with the Municipal Authority, and their willingness to accept it and take it over, so we can set up a fee structure and eliminate some of those expenses that the Borough is seeing in its General Fund Budget.

*f) Stormwater Ordinance – Discussion concerning a proposed change to our current Stormwater Ordinance.*

Ms. Enos explained that back in March 2019, Borough Council adopted a Stormwater Ordinance. So that bigger flooding problems in the Borough were not created in the future, the Ordinance was created for any type of new construction and/or renovation projects in the Borough. Ms. Enos stated that since the Ordinance was enacted, it has helped with the Borough's ongoing flooding problem.

Ms. Enos brought out that as this Stormwater Ordinance has been worked with, they have found things that may need to be changed, such as definitions and items that give more clarification in some areas of the Ordinance itself. She also said that they would like to lower the fee structure to \$75.00 from \$150.00 on the smaller projects for the residents, based upon the time that we have in reviewing it and inspecting it. Ms. Enos added that these are some of the areas we would like to propose changing in the current Ordinance.

Ms. Enos noted that Borough Council would receive a copy of the proposed changes in their packets next week.

*g) Roadway Opening Ordinance – Discussion concerning a proposed Roadway Opening Ordinance to address repairs to Borough streets after utility work has been performed.*

Ms. Enos mentioned that other Municipalities have this Roadway Opening Ordinance in place. She said that having this Ordinance will help the Borough. Ms. Enos noted that a sample Ordinance will be circulated to all of Borough Council next week.

Ms. Enos explained that a lot of utility work happens on the Borough streets. She said that there are a lot of trench lines all over the Borough streets. One of the ways that we can protect some of the infrastructure, that costs us a lot of money to put into place, is to have an Ordinance.

Ms. Enos pointed out, that as part of the sample Ordinance language, it states.... “any Borough street that has been paved within the past 5 years and has 3 or more cuts that are made within 150 feet of each other, are required to be milled and overlaid from the first cut to the last cut.” This means that if you have a larger project with these utilities, or contractors, doing work on the Borough streets, instead of having the responsibility to just replace a trench line, they would be required to mill and overlay from the first cut to the third cut. Ms. Enos added that this would help to save our paving investment, and also help to extend the longevity of the street surface.

Ms. Enos explained that if some of these trench lines are not sealed properly, then water gets in and the pavement that has just been done within that past five years starts to deteriorate. So, this is a way for us to protect our streets, protect the work and the money that we are putting into paving each year.

Ms. Enos pointed out that this could potentially be a benefit as we move forward, especially, when we have a lot of projects and a lot of utility work that is being done throughout the Borough. She added that we want to make sure we preserve our streets in the best way we can, so this would require an Ordinance.

Ms. Enos, again, noted that a sample Ordinance will be circulated to Borough Council for their review. She added that discussions will follow.

Mr. Hoffman brought out that the Fire & Ice Festival was much more abridged this year, but there were still many people out through the week and weekend. There were also a lot of good reviews. He added that they hope to be back to “full steam” next year.

Mr. Bolby pointed out that on the Roadway Opening Ordinance, it basically falls in-line with what PennDOT is requiring of utility contractors. So, the utility contractors are very familiar with these type of requirements right now on State roadways, since they are already practicing it on State roadways.

Mr. Shaulis stated that the Fire Department’s elections of Officers was delayed due to the pandemic. The election was not held until their first meeting in January 2020. He stated that he does not presently have an updated list of the Fire Departments Officers.

Mrs. Miller recognized Mr. Peter’s hard work in 2020, which was presented in the Year End Financial Reports he provided to Borough Council.

Mr. Rosemeyer added that Mr. Peters was very transparent in the Borough’s budget by explaining everything, and where every penny was.

Chief Cox stated that in December 2020, \$25,000.00 was received for the Police Department from the County Commissioners as a disbursement under the “Cares Act” in reference to covid-19. This check will be applied to the 2021 Budget.

Chief Cox also brought out that in light of Christopher Pile’s resignation, he asked Borough Council for authority to hire a new part-time Officer. He pointed out that it would be a budget neutral action, with the hours already budgeted for. He added that this would not be an additional position, but just to replace Mr. Pile’s position.

**Motion**

Mr. Rosemeyer moved, Mrs. Ream seconded to authorize Chief Cox to begin the process to hire a new Part-time Police Officer to replace Christopher Pile’s position, in light of his resignation.

Motion Unanimously Carried

Mr. Rosemeyer brought out that a recent conference call was held with PSAB. The June 2021 Conference that was to be held in Hershey, PA has been cancelled.

He said that the Erie, PA Conference, that is to be held in the fall, is presently not cancelled. The Governor’s guidelines will determine whether the Erie Conference will also be cancelled.

Mr. Rosemeyer mentioned that he prepared a letter to send to all members of the Somerset County Boroughs Association to keep in touch with them. He added that as PSAB has done, the County Association is going to keep their current Officers into 2021, until they have time for an election.

Discussion was held among members of Borough Council regarding registering all Borough Employees for the upcoming covid-19 vaccinations whenever they qualify to receive the inoculations.

**10. Executive Session** – None requested.

**11. ADJOURNMENT**

**Motion**

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

Motion Unanimously Carried  
5:47 p.m.

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Michele A. Enos, Borough Manager/ Secretary