

Borough of Somerset Council Meeting
April 26th, 2021 - 5:00 p.m. *(In-Person Meeting)*

1. Meeting Called to Order - President Ruby Miller

2. Pledge of Allegiance – Moment of Silence for former Chief of Police, Brad Cramer.

3. Roll Call:

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

Also present: Mayor Scott Walker.

Absent: Junior Council Member Sierra Urban.

Also present were the following: Borough Manager, Michele Enos; Director of Finance, Brett Peters; 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) March 22nd, 2021 – Joint Authority/Borough Council Meeting Minutes.

Motion

Mrs. Opp moved; Mr. Rosemeyer seconded to approve the March 22nd, 2021 Joint Authority/Borough Council Meeting Minutes.

Motion Unanimously Carried

6. Award of Bids:

a) None

7. General Public Comments:

a) None requested

8. Administrative Business:

a) Communications (None)

b) Payment of Bills – Month of April 2021.

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded, to approve the payment of bills for April 2021 numbered 36379 - 36537 totaling \$485,045.19.

Motion Unanimously Carried

c) Department Reports for March 2021 – Consider approving the Departmental Reports for the month of March 2021.

Motion

Mr. Thomas moved, Mr. Shaulis seconded, to approve the Departmental Reports for the month of March 2021.

Motion Unanimously Carried

9. Policy Agenda:

Old Business:

a) None

New Business:

a) Stormwater Ordinance – Consider authorizing the adoption of the changes to the Stormwater Ordinance.

Ms. Enos pointed out that this was discussed in March 2021. It was advertised, as required, and was now brought before Borough Council for their consideration.

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to authorize the adoption of the changes to the Stormwater Ordinance.

Motion Unanimously Carried

Ordinance NO. 1383

STORMWATER MANAGEMENT ORDINANCE

SECTION 1. PURPOSE

The purpose of this Ordinance is to enact rules, regulations and procedures to manage and control stormwater in geographic areas within the jurisdiction of the Borough of Somerset in a manner consistent with the Coxes Creek Watershed Act 167 Stormwater Management Plan as adopted by Somerset County, Pennsylvania.

Section 1.1: Findings

The **Borough of Somerset** finds that:

- A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, causes property damage and risk to public safety, and greatly increases the cost to the public to manage stormwater.
- B. Inadequate planning and management of accelerated stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. **The Borough of Somerset** is located in the **Coxes Creek** Watershed(s) and as such will endeavor to cooperate with other municipalities located in the watershed(s) to address issues of stormwater management, water quality, pollution and flooding.
- D. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth in the **Borough of Somerset**.
- E. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- F. Public education on the control of pollution of stormwater is an essential component in successfully managing stormwater.
- G. A comprehensive program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.

****(See whole document for more information) ****

b) Roadway Opening Ordinance – Consider authorizing the adoption of a Roadway Opening Ordinance.

Ms. Enos mentioned that this was discussed at two previous Borough Council Meetings in an effort to protect the infrastructure that we have in Somerset Borough. She said that this Ordinance was reviewed, and changes were made, by our Solicitor. There was also an Engineer review on it as well.

Motion

Mr. Thomas moved, Mr. Shaulis seconded to authorize the adoption of a Roadway Opening Ordinance.

Motion Carried Unanimously

BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA
ORDINANCE NO. 1384

AN ORDINANCE OF THE BOROUGH OF SOMERSET, SOMERSET COUNTY, PENNSYLVANIA, REQUIRING THAT NO STREETS OR ROADS OF THE BOROUGH OF SOMERSET BE OPENED, EXCAVATED OR CUT BY ANY PERSON, FIRM, CORPORATION, OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH THIS ORDINANCE AND REGULATIONS PROMULGATED PURSUANT THERETO; PROVIDING FOR THE RESTORATION OF BOROUGH ROADWAYS WHEN OPENED; PROVIDING FOR CONSTRUCTION OF AND MODIFICATION OF DRIVEWAYS ENTERING BOROUGH ROADS; PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Borough of Somerset (“Borough”) expends a significant portion of its annual budget to construct, repair, rehabilitate, pave and maintain improved public streets within municipal boundaries (each a “Borough Road” and collectively “Borough Roads”); and

WHEREAS, because of the location of subsurface facilities such as municipal water, sewer and storm drainage lines, public utilities’ underground conduits, cables and wires, and other installations reasonably required for the health, safety and enjoyment of Borough residents and properties, it is necessary for the surface and support for Borough Roads to be opened or cut by the Borough and other governmental agencies, public utilities or other entities to install, maintain, repair and replace utility lines or other types of work involving cutting into, excavating and otherwise affecting the surface and supporting facilities of Borough Roads (with like activities, collectively referred to in this Ordinance as “Road Disturbance Activity”); and

WHEREAS, Council of the Borough of Somerset declares it to be in the best interest of the Borough that Road Disturbance Activity must be designed, executed and completed under generally accepted engineering and construction principles and requirements observing Commonwealth of Pennsylvania standards, and done only under and subject to the terms of permits to be issued by the Borough Manager (a “Permit”), and finds that failure to do so jeopardizes and compromises structure, safety and integrity of Borough Roads, causing their surfaces to be uneven, cracked or otherwise dangerous and

unsightly, and making travel over Borough Roads difficult, distracting or dangerous to citizens and other vehicles.

WHEREAS, Borough Council determines that that it necessary to enact rules and regulations protecting Borough Roads and assuring that anyone performing Road Disturbance Activity otherwise affecting Borough Roads must maintain and restore the Borough’s Roads to protect their integrity and insure the safety of residents, motorists and pedestrians.

NOW, THEREFORE, IT IS ORDAINED BY THE BOROUGH OF SOMERSET, SOMERSET COUNTY, AS FOLLOWS:

SECTION 1. DEFINITIONS. Besides terms defined above, for this Ordinance, these words, when capitalized, shall mean:

****(See whole document for more information) ****

- c) *Act 172 List of Eligibles – Consider approving the list of eligibles for the Act 172 Tax Credit to those who were certified by the Somerset Vol. Fire Department who have met the eligibility requirements.*

Motion

Mr. Rosemeyer moved, Mrs. Opp seconded to approve the list of eligibles for the Act 172 Tax Credit to those who were certified by the Somerset Vol. Fire Department who have met the eligibility requirements.

Motion Carried Unanimously

- d) *Mary S. Biesecker Library Board of Directors – Consider appointing Sheena Zola Mandichak to a three-year term to serve on the Mary S. Biesecker Library Board effective May 31st, 2021.*

Motion

Mrs. Ream moved, Mr. Hoffman seconded to appoint Sheena Zola Mandichak to a three-year term to serve on the Mary S. Biesecker Library Board effective May 31st, 2021.

Motion Carried Unanimously

- e) *Resolution No. 2021-02 – Authorizing the adoption and execution of our 2021 Emergency Operations Plan.*

Ms. Enos explained that Somerset Borough is required to update its Emergency Operations Plan every two years. This entails providing an updated list of current Members,

current Officers, current Somerset Borough Council Members, providing a list of who our Public Works Department Emergency response contacts are, as well as Police, Fire and Public Works vehicles and equipment.

She said that this list has been updated, and a copy was sent to Borough Council for their review.

Motion

Mrs. Opp moved, Mrs. Ream seconded to authorize the adoption and execution of our 2021 Emergency Operations Plan.

Motion Carried Unanimously

RESOLUTION NO. 2021-02

THIS RESOLUTION approved and adopted by the Council of Somerset Borough, Somerset County, Pennsylvania, on the date here forth.

WITNESS TO:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Somerset Borough prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this Borough; and

WHEREAS, in response to the mandate stated above, this Borough has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, this Borough has also prepared an emergency operations plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this Borough.

NOW, THEREFORE, we, the undersigned Council of Somerset _____Borough do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Somerset Borough. This Plan shall be reviewed every two years to make certain that it conforms to the requirements of the Somerset County Emergency Operations Guideline.

Somerset Borough Council

f) Sale of Surplus Property – Certifying to Borough Council the sale of a 2006 Ford Crown Victoria Police Cruiser for \$500.00.

Ms. Enos stated that she and Chief Cox met to discuss the Resolution that Borough Council adopted regarding the Sale of Surplus Property. She explained that a determination is made to see if the value of the surplus equipment falls under \$1,000.00 in order to comply with the Resolution. If that is the case, then we have a purchaser who is willing to purchase it for that amount. Chief Cox had taken care of this for his surplus vehicle.

Ms. Enos mentioned that part of the Resolution requires certification from Borough Council, so Borough Council was being asked to approve the acceptance of that certification. The 2006 Ford Crown Victoria Police Cruiser was valued at \$500.00 and was also purchased for \$500.00.

Motion

Mr. Shaulis moved, Mrs. Rosemeyer seconded to certify the sale of a 2006 Ford Crown Victoria Police Cruiser for \$500.00.

Motion Carried Unanimously

g) Coxes Creek Flood Control – Consider authorizing and executing the updated Emergency Action Plan for 2021.

Ms. Enos brought out that the Borough is required to have an updated Emergency Action Plan for 2021. She said that this Emergency Action Plan is a response system for any kind of flood condition that may require evacuations.

This update will include a change in Superintendents, and updated contact information.

Ms. Enos added that a copy of this will be submitted to the Department of Environmental Protection and the Army Corp of Engineers.

Motion

Mr. Rosemeyer moved, Mr. Hoffman seconded to authorize and execute the updated Emergency Action Plan for 2021.

Motion Carried Unanimously

h) Coxes Creek Flood Maintenance – Discussion concerning the authorization to submit an application for grant funding being offered through DCED. It will address the items outlined in our inspection report from DEP and the Army Corp of Engineers.

Ms. Enos stated that as part of the Emergency Response Plan, we have a Flood Control Project area, which is Coxes Creek. It runs along the Gilmore Bypass into Musselman Avenue. Because it is a Flood Control Project, we are required to maintain it. Maintenance would include soil and erosion control. This has been some of the items spotlighted in the last inspection.

Ms. Enos brought out that we have annual inspections along this section of Coxes Creek that are performed on a rotating cycle by DEP or the Army Corp of Engineers. Our staff and Engineers accompany them on these inspections. After inspection, we get a report back on

the conditions that need to be addressed to meet the DEP and Army Corp of Engineers standards. In the last 2 years, the Borough has met their “minimally acceptable” standards.

Ms. Enos said that on inspections, they have pointed out areas of soil erosion that is affecting, or will soon affect, the Gilmore Bypass. This would be a very substantial project which would include site clearing, erosion and soil, construction of rock, rip rap on stream banks and gravel bar removal. The total cost estimate for this project would be approximately \$354,000.00. She added that the responsibility falls on the Municipality to maintain this flood control project, or flood protection, area.

When DEP was told that there were flood evacuations in Cherry Lane, they would not allow the Borough to go in. This is the reason why areas like Cherry Lane are not maintained or dredged by the Borough. We didn’t realize that we were not permitted by DEP to be in these areas. Now that we are aware of this, the Borough can no longer try to maintain and dredge these areas. Coxes Creek is different in that it is a long time flood control established area that we are responsible for maintaining.

Ms. Enos explained that there is a DCED Grant that we can apply for. The grant is 85% funded by DCED, with a 15% local match. So if the Borough would do a project with a cost of \$354,000.00, the Borough’s financial responsibility would be between \$48,000.00 - \$49,000.00.

Ms. Enos stated that the Borough has to do something about the removal of the sediment along this section of Coxes Creek because of the problems it is causing. Erosion control also has to be addressed, because it is starting to affect areas of the Gilmore Bypass.

She said we have the opportunity to apply for the DCED Grant, although this does not guarantee it will be funded. In the meantime, the Borough can be doing smaller projects that we can afford. But currently, the grant opportunity that we have would cover 85% of the cost.

Mr. Bolby brought out that one motivation to submit a grant application is that if the Army Corp. or DEP rates the flood protection project as “poor/inadequate”, the Borough may become ineligible for grants in the future. Therefore, it is advantageous to submit grants, and continue with maintenance, so the Borough can stay eligible for grant opportunities as they arise.

Motion

Mrs. Ream moved, Mrs. Opp seconded to authorize the submission of an application for grant funding being offered through DCED.

Motion Carried Unanimously

- i) *Subdivision Request–Overlook Drive - A request was submitted by Sean Isgan to subdivide one parcel into three separate parcels. Authorization to refer this to the Somerset Borough Planning Commission for their review and recommendation.*

Ms. Enos brought out that this is one large parcel that Sean Isgan wants to subdivide into three separate parcels. Ms. Enos added that Mr. Isgan has asked her what the building requirements would be on each lot.

Motion

Mr. Thomas moved, Mr. Rosemeyer seconded to refer a request submitted by Sean Isgan to subdivide one parcel into three separate parcels to the Somerset Borough Planning Commission for their review and recommendation.

Motion Carried Unanimously

j) Carbose Plant Property – Discussion concerning the forgiveness of delinquent real estate taxes associated with this property.

Solicitor Cascio brought out that the delinquent real estate taxes for the Carbose Plant Property totals approximately \$100,000.00. He said that this is the combined taxes that Carbose has not paid over an extended period of time. He added that the property taxes are assessed, and the only revenue that is not paid is the tax sale.

Solicitor Cascio explained that the tax sales only go to the highest bidder after expenses are divided up among the sharing taxing authorities, which are the School District, the Borough and the County. He said that the Carbose Plant Property has been exposed to tax sale quite a few times over the years, because it has been on default for a long time.

The statute allows what is called a “Private Tax Sale” where bids are made. The Municipalities are informed of the bid/bids and then they take action on it. If *they object*, then the sale doesn’t take place. If they *do not object*, then the sale occurs for whatever the offered price is, which is usually a very small percentage of what the actual taxes are.

Solicitor Cascio stated that the benefit to the Municipalities to forgive delinquent real estate taxes associated with this property, is that it gets the property back on the tax rules. It would trigger an assessment of the property, at a fair market value, for taxation purposes. Solicitor Cascio added that this is recommended.

Mr. Hoffman brought out that he is aware of someone who is interested in this property and has already looked at it. This individual has also spoken with the County Commissioners about it.

Mr. Hoffman said that this individual seemed super motivated to get the Carbose Plant Property back into operation with plans he has for the property.

Motion

Mrs. Ream moved, Mr. Rosemeyer seconded to forgive the delinquent real estate taxes associated with this property, resulting in the private tax sale of the property.

Motion Carried
(Mr. Hoffman abstaining)

Mr. Bolby presented information to Borough Council that focused more on the sewer laterals, which is one of the more critical components of the sewer system that allows inflow & infiltration into the sewer system that creates the hydraulic overload. This information is a continuation of what was presented at the recent Joint Borough Council / Municipal Authority Meeting.

He discussed the Options related to the Sanitary Sewer laterals. The four options discussed can be done in regard to replacement of the sanitary sewer lines.

1. No action alternative:

If this were to be chosen, that leads to the larger public infrastructure where you are increasing the size of the Sewage Treatment Plant or you are doing something else to offset the amount of inflow & infiltration that is still getting into the system that you have to manage.

2. Replacing the sewer main, the manholes, and the sewer lateral up to the property line:

He said that presently, the customer owns the sanitary sewer lateral from inside the house the whole way out to the sewer main. In order to replace that section of sewer main up to the property line, it is suggested for the Municipal Authority to take ownership of the sewer lateral up to the property line. Some of the advantages of that whenever doing a typical sewer line replacement project, is you are basically replacing a portion of that sanitary sewer lateral that is in the public right-of-way as you are doing the project. He said that the nature of the work entails breaking it and replacing a part of it. He mentioned that this has been the practice on most of the sanitary sewer main replacement projects that have occurred throughout the Borough over the past 10 years or so. A viewport would be installed at that point where it divides the responsibility, and where inspection could be made to see if there is excess coming from that structure.

This would take out approximately 30-40% of the inflow & infiltration that is getting into the system. So a substantial portion of the inflow & infiltration remains.

3. Sewer Main to Foundation:

Mr. Bolby brought out that there is another 10-15% of inflow & infiltration removal with this method.

4. Sewer Main through structure:

Mr. Bolby said that in this method, it involves replacing the entire lateral from the sewer main, and all the manholes, the whole way through the structure. The sewer lateral would be replaced underneath the basement floor with this method.

Next, Mr. Bolby briefly discussed the comparison costs to replace the Sanitary Sewer Laterals verses the Public Infrastructure alternatives to handle the same amount of inflow & infiltration. The options are to *remove* the inflow & infiltration by replacing the sewer laterals, or *managing it* by Public Infrastructure alternatives, which would require an expansion of the Sewer Plant or putting in Equalization Tanks.

Mr. Bolby discussed the costs of replacing sewer laterals for Residential & Non-Residential customers in Somerset Borough. Residential estimated costs would be approximately \$5,000.00, and Non-Residential customers estimated costs would be approximately \$15,000.00, depending on the square footage of the building.

An estimated total cost to replace all the sanitary sewer laterals in the Borough would be \$21 million dollars. The average Monthly Customer Debt Service split between Residential and Non-Residential customers would average approximately \$36.00 per/customer with a 20-year low interest loan through PennVEST.

Mr. Bolby brought out that by choosing the Public Infrastructure option, the projection is that the inflow & infiltration would continue to get worse if the problem still exists. This options total estimated cost is approximately \$45 million dollars. The average Monthly Customer Debt Service for the Public Infrastructure Option would be approximately \$77.00 per/customer with a 20-year low interest loan through PennVEST.

The sanitary sewer laterals are privately owned, so grant opportunities for individual homeowners are very limited. If the Public Infrastructure Option is chosen, as the Borough and Municipal Authority apply for a loan, this opens the way for the opportunity to receive grant funding. This could potential lower the cost of the Project.

Mr. Bolby added that the conversation about the Project will continue, with more information being provided, as we get closer to a decision.

10. Executive Session – To discuss personnel matters.

Motion

Mrs. Ream moved, seconded by Mr. Rosemeyer to go into Executive Session to discuss personnel issues.

Motion Unanimously Carried
6:03 p.m.

Back in Session

6:13 p.m.

Motion

Motion was made by Mrs. Opp to approve a 2.5% pay increase for Management for the year 2021, retroactive to January 1st, 2021, seconded by Mr. Rosemeyer.

Motion Unanimously Carried

11. ADJOURNMENT

Motion

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

Motion Unanimously Carried
6:14 p.m.

Michele A. Enos, Borough Manager/ Secretary