

Borough of Somerset Council Meeting

February 27th, 2023 - 5:00 p.m. *(In-Person Meeting)*

1. **Meeting Called to Order** – President Ream.

2. **Pledge of Allegiance**

3. **Roll Call:**

a) **Borough Council Members present:** *Pam Ream; Ruby Miller; Lee Hoffman; Sue Opp; Steve Shaulis; Jim Clark and Ian Mandichak.*

b) **Also present:** *Mayor Fred Rosemeyer.*

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

d) **Public Attendance:** *None.*

4. **Approval of Agenda:** *Consider approving the Agenda as presented.*

Motion

Mr. Mandichak moved, Mrs. Miller seconded, to approve the February 27th, 2023 Borough Council Meeting Agenda.

Motion Unanimously Carried

5. **Announcements:**

a) *None*

6. **Swearing In:**

a) **Nathaniel Cochran** – *Swearing in ceremony as a part-time Police Officer.*

b) **Andrew Hoover** - *Swearing in ceremony as a part-time Police Officer.*

Both Nathaniel Cochran & Andrew Hoover were sworn-in by Mayor Rosemeyer as part-time Police Officers for the Somerset Borough Police Department.

Chief Cox also welcomed Officer Cochran & Officer Hoover to the Somerset Borough Police Department, gave them some advice, and thanked their families for the part they played in helping both Officers reach this milestone.

Officer Cochran & Officer Hoover also introduced themselves and their families to Borough Council. They were also welcomed by Borough Council.

7. Approval of Minutes of Previous Meeting(s)

a) January 23rd, 2023 – *Borough Council Meeting Minutes.*

Motion

Mr. Shaulis moved, Mr. Hoffman seconded, to approve the January 23rd, 2023 Borough Council Meeting Minutes.

Motion Unanimously Carried

8. Award of Bids:

a) S. Center Avenue Project – *Update from our Engineers.*

Ms. Enos mentioned that this was tabled from last month's meeting. The project came in overbid, so we scaled the project back, administratively, to meet our budget. We worked that through with the Contractor who was the apparent low bidder at the time.

Mr. Reilly brought out that bids were open in January 2023 and were higher than the estimate, and higher than the project budget. The Engineers worked with Borough Management to reduce the project scope to meet the budget more closely. He said that we are going to eliminate all the utility work on the first block of North Center Avenue. We will build the sidewalks on South Center Avenue and do all the utility work on South Center. This will get the project budget down to around \$1.158 million dollars, close to what the project budget is.

Mr. Reilly said that discussions were held with the Contractor about reducing the project scope, and they have conceptually agreed. We want to confirm with them that they are willing to maintain the same unit prices for the reduced quantities, and we are waiting for that confirmation.

Mr. Reilly also mentioned that the project will be funded not only through the grant, but also through Borough CDBG funds. We need to use the 2022 CDBG funds as part as this project. That money is administered through the Redevelopment Authority of Somerset County. They do not have an Agreement yet from CDBG to utilize those 2022 funds, so we can't officially award the contract to the bidder until that Agreement is in place.

Ms. Enos added that the 2022 monies have been allotted for this project. It is a matter of timing on the Agreement side with the funding Agency. So we are utilizing as many grant funds as possible for this project.

Mr. Reilly said that Borough Council can "table" the bid award until we get the confirmation from the Contractor, and get the Agreement between DCED and the Redevelopment Authority, or Council could award the Contract on a contingent basis until we get the Agreement between DCED and the Redevelopment Authority, and confirmation from the Contractor.

Motion

Mr. Clark moved, Mr. Hoffman seconded, to award the Contract on a contingent basis until we get the Agreement between DCED and the Redevelopment Authority, and confirmation from the Contractor.

Motion Unanimously Carried

9. General Public Comments:

a) *None registered.*

10. Administrative Business:

a) *Communications – (none)*

b) *Payment of Bills – Month of February 2023.*

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to approve the payment of bills for February 2023 numbered 39518 – 39679 totaling \$591,683.15.

Motion Unanimously Carried

c) *Department Reports – Consider approving the Departmental Reports for the month of January 2023.*

Motion

Mrs. Miller moved, Mr. Shaulis seconded, to approve the Departmental Reports for the month of January 2023.

Motion Unanimously Carried

11. Policy Agenda:

Old Business:

a) *None*

New Business:

a) *Zoning Hearing Board – Consider the appointment of Art DiLoreto to the Zoning Hearing Board to fill an existing vacancy.*

Ms. Enos disclosed that the appointment to fill the vacancy is due to expire December 31, 2024. It is a 3-year term which Mr. DiLoreto can be considered for re-appointment at that time.

Motion

Mr. Shaulis moved, Mr. Mandichak seconded, to appoint Art DiLoreto to the Zoning Hearing Board to fill an existing vacancy.

Motion Unanimously Carried

- b) *Surplus Police Equipment – Discussion concerning a surplus gun vault and weapons and the values of each item for potential sale based upon our Surplus Equipment Policy. (Update from Chief Cox)*

Chief Cox noted that this will be discussed at a future Council Meeting.

- c) *Resolution No. 2023-01 – Amending the Borough's Act 172 Eligibility Criteria to be consistent with Somerset Township's eligibility requirements.*

Ms. Enos noted that Borough Council acted on this on March 28, 2022. It is in effect from the time that Council authorizes it. This needs followed up with a written Resolution for this year's eligibility. Formal action is needed to adopt it into a Resolution form with changes to the eligibility requirement of 100 hours to match Somerset Township's requirements.

Motion

Mr. Mandichak moved, Mrs. Miller seconded, to approve amending the Borough's Act 172 Eligibility Criteria to be consistent with Somerset Township's eligibility requirements.

Motion Unanimously Carried

Borough of Somerset
Resolution No. 2023-01

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SOMERSET,
SOMERSET COUNTY, PENNSYLVANIA, AMENDING THE
ELIGIBILITY CRITERIA UNDER THE VOLUNTEER SERVICE
CREDIT PROGRAM PURSUANT TO ACT 172 OF 2016 FOR
MEMBERS OF THE SOMERSET VOLUNTEER FIRE DEPARTMENT
AND NONPROFIT EMERGENCY MEDICAL SERVICE AGENCIES IN
THE BOROUGH.**

WHEREAS, by Ordinance No. 1378 of 2019 the Council of the Borough of Somerset established a Volunteer Service Credit Program pursuant to the powers set forth in Act 172 of 2016. Said Program is available to residents of the Borough of Somerset who are volunteers of the Somerset Volunteer Fire Department and nonprofit emergency medical service agencies.

WHEREAS, by Ordinance No. 1378 of 2019 the Council of the Borough of Somerset (in conjunction with, and the approval of the Somerset Volunteer Fire Department) established the eligibility criteria for the Volunteer Service Credit under the Program.

WHEREAS, by Section 2 of Ordinance No. 1378 of 2019, the criteria may be changed prospectively by Resolution of the Council of the Borough of Somerset.

WHEREAS, the Somerset Volunteer Fire Department has requested that the Somerset Borough Council amend such eligibility criteria.

WHEREAS, the Council of the Borough of Somerset, at its March 28th 2022 meeting, approved, by motion, the Somerset Volunteer Fire Department's request to amend such eligibility criteria,

WHEREAS, in addition to any procedures and requirements set forth in Ordinance No. 1378 of 2019, the Council of the Borough of Somerset hereby establishes the following requirements be met for an individual to be eligible under the Program:

1. Those persons who have successfully met the membership retention requirements as established in the Somerset Volunteer Fire Department's By-Laws and formally approved guidelines; and....
2. Provided 100 (one hundred) hours of service annually by either one, or a combination, of the following activities:
 - ... fire calls
 - ... work details
 - ... fundraising, etc.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Somerset hereby establishes the eligibility criteria for the Volunteer Service Credit Program set forth above and the Borough Secretary is to certify and file this Resolution accordingly.

ADOPTED this 27th day of February 2023.

d) *Act 172 Tax Credit – Consider approving the “list of eligibles” as submitted and approved by Somerset Vol. Fire Dept. for the Real Estate and Earned Income Tax Credit for Fire Fighters within Somerset Borough.*

Ms. Enos said that this year there are 14 who met the criteria. The form was submitted and certified by our Fire Department as meeting that criteria. The next step is for Council to approve the list of eligibles.

Motion

Mr. Hoffman moved, Mrs. Opp seconded, to approve the “list of eligibles” as submitted and approved by Somerset Vol. Fire Dept. for the Real Estate and Earned Income Tax Credit for fire fighters within Somerset Borough.

Motion Carried
(2 Abstaining: Mr. Shaulis & Mr. Clark)

e) *Resolution 2022-12* – Consider correcting the adoption date from November 19th, 2022 to reflect the accurate meeting date of November 21st, 2022.

Ms. Enos said that 2022-12 was a Resolution appointing Friedline, Pipon & Company to audit our accounts. The wrong date was listed on the Resolution. The accurate, official meeting date was November 21st, 2022.

Motion

Mr. Clark moved, Mr. Shaulis seconded, to correct the adoption date from November 19th, 2022 to reflect the accurate meeting date of November 21st, 2022.

Motion Unanimously Carried

BOROUGH OF SOMERSET

RESOLUTION No. 2022-12

***WHEREAS,** The Borough of Somerset has by ordinance established the use of Certified Public Accountants to audit Borough Accounts, and;*

***NOW THEREFORE,** We, the Council and Mayor of the Borough of Somerset designate Friedline, Pipon & Company to audit Borough Accounts for the year 2022.*

***ADOPTED** this 21st day of November 2022.*

f) Somerset County Map Project – Request for the Borough to purchase an advertisement for the Somerset County Map Project through the Chamber of Commerce.

Ms. Enos stated that Somerset County is designing a new map of Somerset County. They request donations from those within that County. The advertisements appear around the map. The map will be handed out to businesses, the County, the Borough and for tourism purposes. With a donation, you receive 50 of these maps to hand out to local businesses, as well.

Ms. Enos added that this request is eligible for a donation from Council if they chose to donate to this request.

Discussion was held among Council Members regarding donating to this request.

Borough Council, as a whole, agreed not to allocate monies to this donation request.

g) Somerset County Borough's Association – Requesting 2023 Annual Membership dues in the amount of \$70.00.

Motion

Mr. Shaulis moved, Mrs. Miller seconded, to approve the Somerset County Borough's Association Membership dues of \$70.00.

Motion Unanimously Carried

h) Donation Request – Chamber of Commerce is requesting a donation for the Foundation of Free Enterprise Education.

Ms. Enos said that this is a new type of Free Enterprise. The Chamber is seeking donations for people who possess communication leadership teamwork, problem solving & critical thinking skills. They are looking for donations for that program.

It was brought out that this involves business leadership skills through the school.

Borough Council, as a whole, agreed not to allocate monies to this donation request.

i) Fire Department Billing Ordinance – Discussion concerning a request from Chief Clark on fire department billing for services.

Mr. Clark said that the Department would like to develop an Ordinance to ensure that they are paid for their fire services. He said that the Department hasn't experienced this, as of yet, but the Department believes that this would be a good idea.

Mr. Clark collected Ordinances from other Municipalities that can be used as examples to try to enact an Ordinance for Somerset Fire Department. Costs have risen greatly within the Department with fuel, equipment updates and purchases that needed to be made. The Department is trying to offset some of their costs, through their surplus, without continuing to gouge the taxpayers. The Fire Department has resolved to not bill local residents of the Borough, because the taxpayers are already footing the bill for the Department through taxes they already pay.

Ms. Enos brought out that there are local Borough's and Townships in our Community that have adopted an Ordinance for their Fire Departments and EMS services. Supposedly, it has been very successful.

She said that Somerset Fire Department, and the administration of surrounding Fire Departments, does their own billing, follow-ups and subrogation. Ms. Enos added that is how the Ordinances from other communities who border Somerset Borough are set up. She was able to retrieve samples of their Ordinances to confirm this.

Ms. Enos noted that if Council would like Solicitor Cascio, Chief Clark and herself to examine the sample Ordinances, to see which one may be a better fit for the Somerset Fire Department, then it can be brought back to Council to prepare the appropriate Ordinance.

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to allow Ms. Enos, Chief Clark and Solicitor Cascio to explore potential methods for the departmental billing for the Somerset Volunteer Fire Department.

Motion Unanimously Carried

Committee Business/Reports:

j) Manager's Report – Given by Michele Enos.

Ms. Enos said that she sent notice to the Fire Department and the Borough's Staff that there is going to be a closure on Waterworks Road for some bridge restoration. If we have more information, or an upcoming meeting, everyone will be informed for fire protection and emergency services as well. Information was posted on our Facebook page, and it will be added to the website as well too.

Ms. Enos noted that there is going to be a lot of construction activity going on this year in Somerset Borough. Not only do we have S. Center Avenue Project, we are also a month away or so from our major \$20-million-dollar Water Project. Also, Columbia Gas will still be in the Borough replacing their main lines. The Borough will work in conjunction with them on that, and we will also take part equally in the restoration so we can better utilize our monies on the streets and get as many streets paved as possible.

Mr. Bailey brought out that the Borough also had the new 1-ton chassis delivered from Meghan Ford and Morocco Welding. It is completed and in the Public Works Department. A few things need put in it and then it is ready to be in service. It was ordered 1½ years ago. Supposedly, the International truck was to be built February 17th, and there has been no word on that yet. We have waited 2 years for it.

k) Finance Report – Given by Brett Peters.

Mr. Peters disclosed that through January of this year, we are at 8.33% of the way through the year.

General Fund:

Revenues – 2.65%

Expenses – 7.18%

Water Fund:

Revenues – 5.83%

Expenses – 11.86%

Sewer Fund:

Revenues – 8.54%

Expenses – 8.87%

l) President's Report – Given by Pam Ream.

Mrs. Ream asked if the lack of snow this winter will affect our water level and expectations.

Mr. Reilly replied by saying that it is too early to make any type of determination. He said that we typically will not know until June, July or August if we have some issues.

Mr. Shaulis brought out that according to the reports he compiles, we are some 46" - 48" below the normal liquid precipitation. Snowfall this year is only 31.8" through the end of February. The average for Somerset County is between 82"–85". We had rain, so we are not that far off. He added that the meltdown of the snow could have an impact on the farming this year.

Mrs. Ream also commented on the Farmer's Market pulling out of the Georgian Place.

Other locations, where the Farmer's Market could be located, was discussed among Council Members.

Mrs. Ream also requested that an Executive Session be added to the Agenda for March's Council Meeting.

m) Somerset Inc. Report – Given by Lee Hoffman.

Mr. Hoffman said that Somerset Inc. had a Strategic Planning Conference at the beginning of the month. He expressed that it was nice to sit down with their entire Board to discuss common business practices and a SWOT analysis.

They are working on a Mission Statement along the lines of redefining a small town life. It will support the effort to recruit people, showing that there is work and recreation here. We are trying to recruit businesses and other things, because there is a national draw for smaller town living. We are trying to highlight us as a destination for that, then pursuing it.

He mentioned that there are 7 individuals from Somerset Inc. going to the National Main Street Conference in Boston this year in March.

Mr. Hoffman also mentioned that the Brinker Building is moving along well. We have work days scheduled every Saturday morning in March, and the first 2 weeks of April. Anyone wanting to volunteer should get in touch with Mr. Hoffman, Morgan or Regina. The Demolition Permit expires at the end of April, so we are trying to get all the demolition work done so we can start rebuilding from there.

He mentioned the Jacobs Building is moving along, although slowly.

The “Uptown Earth Day Trail” and “Chalk the Block” Committees started planning for those events.

He said that each year, through the Cambria-Somerset Association of Realtors, they allocate funds for Community involvement. This year the project is to identify a “Safe Spot” where people can meet to exchange things like Facebook goods or a place to meet for custody exchange.

Mr. Hoffman said that he was tasked to search for a potential place in Somerset to see what may be available where people can go. The location would have a few parking spots, be well lit, have a camera, and a sign designating that the location is designated a “Safe Spot”.

Council discussed areas where this “Safe Spot” may possibly be located in the Borough.

It was also mentioned that a new Art Gallery is opening March 11th in the Uptown Schenck Building. Jars Zero Waste is also opening there.

n) PSAB Report – Given by Fred Rosemeyer.

Mayor Rosemeyer mentioned that the annual PSAB Conference will be held in Hershey, PA June 4th-7th, 2023. He said that there are some very outstanding speakers coming.

Chief Cox will be instructing 3 separate programs at the Conference. The Keynote Speaker is Joe Theismann, former quarterback for the Washington Redskins.

He also mentioned that the County Boroughs Association will be meeting April 13th, 2023 at the Somerset Country Club.

He again mentioned that David Mrozowski of Tableland is retiring as the Executive Director in July 2023. He said that Lambert & Associates of Havertown, PA will conduct the search for another Executive Director. He expressed that David did wonderful things for Tableland and will be missed by all.

o) Somerset Volunteer Fire Dept. Report – Given by Jim Clark.

Mr. Clark said that the Department is focusing its priorities on Recruitment and Retention. It mentioned that it is going to cost more to keep the Fire Company than it does the Police Department. He expressed that in less than 5 years it will probably happen, because it is getting harder to continue their efforts.

Mr. Clark said that the Fire Department has had 13 alarms in Somerset Borough, 4 assists to other companies, 1 on the PA Turnpike and 9 in Somerset Township. He said that some of the calls that they run to in the Borough is serious enough to fall back on Code Enforcement. He added that he is very concerned on where this is headed. He is unsure who is involved in the inspection and upkeep of these establishments.

Ms. Enos said that the Borough needs to look at the legality of this issue, because there is a Fair Labor Housing Act. She added that they will look at this Act, because it will

supersede any local Code Ordinance that the Borough has. An update will then be given to all of Council afterwards.

Mr. Clark expressed that they want to keep everyone safe.

p) Engineer's Report – Given by Tom Reilly.

Mr. Reilly presented the Updates to the Engineer's Report.

WATER:

Mr. Reilly said that we are getting closer to starting the Water System Project. Pre-construction Meetings are scheduled with Contractors on March 14th for the waterline work, and on March 16th for the Water Treatment Plant work.

There is a relatively new Revised Lead & Copper Rule Compliance that EPA has come out with. It will take some effort to get in compliance under that rule. There is a lot of inventory on existing facilities. They are looking at lead service lines that are serving properties.

A GIS based tracking & Data Tool is being developed for our clients that helps with compliance on that rule.

SEWER:

Mr. Reilly said that on the Sewer System, there is a Preliminary Design for the Brierwood portion of the large Sewer Project that was discussed and is ongoing. A Planning Consultation Meeting needs scheduled with PennVEST & DEP to start talking about funding for that Project. He added that it is a little too early to schedule that yet.

Ms. Enos said that the Borough will be announcing all of the Borough's Projects on the Borough's website and Facebook page.

No date has been set yet for the Water Project to begin.

q) Mayor's Report – Given by Mayor Rosemeyer.

Mayor Rosemeyer expressed that they are very proud of the 2 young gentlemen hired as new Police Officers, adding, that they have good training behind them. He said that they will learn a lot under Chief Cox and they are thrilled to be here. He added that they are a nice addition to the Police Department.

12. **Executive Session** – None requested.

13. **ADJOURNMENT**

Motion

Mr. Hoffman moved to adjourn; motion seconded by Mr. Shaulis.

Motion Unanimously Carried
6:11 p.m.

Michele A. Enos, Borough Manager/ Secretary