

Borough of Somerset Council Meeting

May 22nd, 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 and Ian Mandichak.*

b) **Borough Council Member absent:** *Jim Clark.*

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

d) **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 Engineers, Tom Reilly & Jake Bolby.*

e) **Public Attendance:** *Melanie Heiple.*

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

Motion

Mr. Mandichak moved, Mrs. Opp seconded, to approve the May 22nd, 2023 Borough Council Meeting Agenda.

Motion Unanimously Carried

5. **Announcements:**

a) **Executive Session** – *An executive session was held at 5:00 p.m. on May 8th, 2023 to discuss personnel issues.*

6. **Approval of Minutes of Previous Meeting(s)**

a) **April 24th, 2023** – *Borough Council Meeting Minutes.*

Motion

Mrs. Miller moved, Mr. Hoffman seconded, to approve the April 24th, 2023 Borough Council Meeting Minutes.

Motion Unanimously Carried

7. Award of Bids:

a) *None.*

8. General Public Comments:

a) Melanie Heiple – *To address Council about the Union Street Playground.*

Ms. Heiple addressed Council about expanded use of the Union Street Playground. She said that no one has been actively organizing anything in the playground for approximately 3-4 years. She expressed that Somerset needs to do this.

She said that the key thing is safety, and asked Chief Cox if it would be possible to have Policemen at the playground because of the issues with drugs, fights, vandalism and destruction of property there. She added that individuals are cautious about sending their children to the playground because of this issue.

Ms. Heiple mentioned that she had spoken to several organizations to see if they would donate monies towards starting up some type of program at the playground. She noted that she had put some numbers together on what it would cost the Borough to have the playground staffed.

Ms. Enos stated that the reason the Borough eliminated staffing at the playground was due to budgetary constraints. She said that the expenses for the playground come out of the General Fund Budget, which is a tax-based fund. During a previous budgeting process, approximately 3-4 years ago, in order not to have to eliminate generalized service, Council eliminated costs that the Borough could do without. She said that it was a difficult decision for Council to make, but it was decided that the playground could still be enjoyed without actually having the expense of staffing it. At the time when the playground was being staffed, the Borough was paying upwards of \$12,000.00 - \$15,000.00 prior to this being eliminated.

Ms. Heiple suggested ways that college students, high school students and others could staff the playground, and gave suggestions on ways they could be paid. She noted that she did not get a formal commitment for any donations from the number of organizations she had spoken to.

Ms. Enos mentioned that we do have the Summer Reading/Lunch Program for the kids at the playground. A Borough staff member, with clearances, is sent to the playground during this time to make sure that the pool is on, and they stand guard because of insurance purposes.

Ms. Heiple was encouraged to continue to reach out to get monetary donation commitments from organizations towards any future playground programs.

Mrs. Ream mentioned that the clubs being approached should easily want to donate because this is a Community Outreach. She said that a good club to reach out to would be the Interact Club at the school. She added that the Borough would have to make sure that it could pay the playground workers with donated money if it were to be staffed.

Solicitor Cascio mentioned about structuring this in a way that grant money could be applied.

Mr. Shaulis mentioned that last year we were looking to do some upgrades at the Community Park. Between all the services organizations in this area, only \$350.00 was collected to help with the upgrades. He said that the help is not there in trying to find service clubs to donate.

Mrs. Ream said it would be easier for the Borough to make a decision on this if it saw a willingness to commit to an amount before people are hired to do it. The Borough would like to set up some way to structure it if there was a donation commitment. Thereafter, the Borough could move forward with some type of interview process, make sure clearances are in place, and that workers are paid out of donated funds. She said there also needs to be rules set up for the playground. She mentioned that, at one point, workers from the hospital would go to the playground to do activities with the children at certain times. She expressed that it would be nice for some of the Interact Clubs to do arts and crafts like was done in the past.

Ms. Heiple asked Chief Cox if the Police could go over to the playground and do a “walk through.” Chief Cox answered by saying that this is already done, because the Department is required to do foot patrol and the playground is one of those places.

He also mentioned that one of the biggest problems the Police Department has regarding the playground, is when someone is seen engaging in even the slightest inappropriate behavior, no one reports it. He noted that when something is discovered, that is when the Police Department finds out about it.

Mrs. Ream said if there is a commitment, then we can make it happen, but until then, the Borough is presently struggling with new projects and finances. She said that she agrees that the playground is important, but also expressed that she is disappointed that some of the service clubs would not step up to help to do things at the playground as a volunteer, or not even help in a financial way.

Ms. Enos asked Ms. Heiple that if she provided an outline to her on what she is proposing for the playground, such as, we'd like to have 2 people, activities we'd like to see focused on, and setting up a schedule for different age groups and different activities, would she be willing to present this outline to the service clubs and say that the Borough is looking for a grant. Ms. Heiple was very agreeable to do this, and asked for suggestions when presenting the playgrounds case to the service clubs.

Mrs. Ream said that there are always funds available, if, there is something structured and set up.

Solicitor Cascio noted to Ms. Heiple that the idea would be that the funds are raised to conduct the programming, and that it isn't another expense item on the Borough. He added that the Borough would be setting the standards for the parameters, by which, the funds could be used.

Ms. Enos noted that there is a separate fund set aside for playground donations, in which, when payroll is being made and expenses are being paid out, it could be allocated from this specific account.

More ideas and suggestions were discussed among Council with Ms. Heiple regarding the playground, outreach for donations, and the planning involved in setting up possible programs there for the children in the near future.

9. Administrative Business:

- a) Communications – (none)
- b) Payment of Bills – Months of May 2023.

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to approve the payment of bills for the month of May 2023 numbered 39963 - 40084 totaling \$442,788.73.

Motion Unanimously Carried

- c) Department Reports – Consider approving the Departmental Reports for the month of April 2023.

Motion

Mr. Shaulis moved, Mr. Hoffman seconded, to approve the Departmental Reports for the month of April 2023.

Motion Unanimously Carried

10. Policy Agenda:

Old Business:

- a) None

New Business:

- a) Fire Department Billing Ordinance – Update from Solicitor concerning his review of sample ordinances for fire department billing services.

Solicitor Cascio stated that this is ongoing. They are still looking for additional information requested from other Municipalities across the State. Outside of the State, they are trying to see how this is addressed, as far as, how to enable and enact these things within the confines of the Borough Code which lists the powers that the Borough can exercise.

This will continue to the next meeting.

b) Resolution No. 2023-05 – Consider authorizing the President to execute the PennDot Traffic Maintenance Agreement to update the pedestrian signal heads.

Motion

Mrs. Miller moved, Mrs. Opp seconded, to authorize the President to execute the PennDOT Traffic Maintenance Agreement to update the pedestrian signal heads.

Motion Unanimously Carried

b U c _ \ e d Y _ ^ ^ _ > B @ B C = @ E

BE IT RESOLVED, by authority of the _____ Council _____
of the _____ Somerset Borough Council _____, _____ Somerset
County, and it is hereby resolved by authority of the same, that the _____ President _____
of _____ Somerset Borough Council _____ be authorized and directed to submit
the attached Traffic Signal Maintenance Agreement, to submit future modifications to the attached
Traffic Signal Maintenance Agreement, and to submit future Applications for Traffic Signal
Approval either in writing or via electronic signature, to the Department of Transportation and to
sign this Agreement on behalf of _____ Somerset Borough Council _____.

Attest:

_____ Somerset Borough Council _____

Michele A. Enos 5/22/23

By: _____ Pamela L. Ream 5/22/23 _____

Signature Date

Signature Date

Borough Secretary

Title

President of Council

Title

- c) Resolution No. 2023-06–PennDOT Winter Maintenance Agreement – Authorize the execution of the winter maintenance agreement for North and South Franklin Avenue for a period of five years.

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to authorize the execution of the Winter Maintenance Agreement for North and South Franklin Avenues for a period of five years.

Motion Unanimously Carried

b U c _ \ e d Y _ ^ ^ _ > B @ B C = @ F

BE IT RESOLVED, by authority of the Council of the Borough of Somerset,
(Name of governing body) (Name of Municipality)

Somerset County, and it is hereby resolved by the authority of the same, that the
(Name of County)

President of Council of said Municipality be authorized and directed to sign the Winter
(Title of Authorized Signatory)

Services Agreement on its behalf.

ATTEST:

Borough of Somerset
(Name of Municipality)

- d) Somerset Inc. Request – Consider passing an Ordinance to prevent 24-hour gambling businesses in the Borough.

Ms. Enos said that Regina from Somerset Inc. has concerns about the gambling skill game businesses opening up in the area. She requested that Council consider preventing them in the Borough that are open 24 hours a day.

Solicitor Cascio said that, as a general rule, gaming businesses can be regulated within a certain zone in the Municipality. He said that gambling games can't be prohibited if it is a legal and legitimate enterprise. He added that the licensing required for these businesses come from the Gaming Commission not from within the Borough.

Chief Cox said that an agency may be taking steps to have a licensing fee because of the gambling devices that are in the establishment, but they are not going to be controlling the machine itself. He mentioned that there are a number of places in the Borough that have the gambling machines. He noted that some of the establishments have had issues because of the machines, while others have not. He added that updating the Ordinance with changes could also be considered.

Ms. Enos said that zoning could regulate the location where these gambling games are permitted, but expressed that it cannot be prevented entirely.

e) *Somerset Inc. Request* – *They are requesting the Borough to donate the cost of the insurance for this year's annual Fourth of July Fireworks for the community. The cost is \$509.00.*

Ms. Enos said that the Borough always made a donation for this when Daily American was sponsoring it. Now that the Daily American is no longer here, it has fallen into the lap of Somerset Inc.

Ms. Enos mentioned that other social clubs are also involved in financing this. Somerset Inc. is asking the Borough to donate just for the cost of the insurance policy. In the past, the Borough has donated \$500.00 - \$1,000.00 for this. At one time \$2,000.00 was donated.

Motion

Mrs. Opp moved, Mr. Mandichak seconded, to donate to Somerset Inc. for the insurance cost of this year's annual Fourth of July Fireworks for the community, not to exceed \$509.00.

Motion Unanimously Carried

f) *Next Step Center* – *Consider approving a request for the leasing of 12 spaces in the Borough's parking lot behind Trinity Park.*

Ms. Enos stated that Somerset Trust is currently utilizing the spaces because they have gotten rid of the lower lot that they had rented in the past for their employees. The Next Step Center spoke to Somerset Trust before returning to the Borough with what they are asking for.

She mentioned that the Next Step Center leases 2 spaces off the Borough across the street from Mel's in our public lot. They are asking for 12 additional spaces. This would be for the services they are providing for the Next Step Center's functions. Their intention is to open a Soup Kitchen for the Community along with other endeavors.

Ms. Enos stated that the Borough could provide 12 additional spaces in the lot to the Next Step Center if Council would like to provide it to them. The hours would be 7:00 a.m. to 7:00 p.m. Monday - Friday. The Next Step Center understands that this would not include the evening hours, and that the spaces would not be saved for them. This is also what other Lease Agreement holders currently have.

Typically, the meters in that parking lot are not heavily used. If these 12 spaces are leased, that would leave approximately 8 spaces open during the day. Ms. Enos added that the whole lot can be used by the public past 7:00 p.m.

Detailed discussion about the parking spaces ensued among Council Members.

Ms. Enos pointed out that it has been established, that anything beyond what is already rented there has to be a Council decision in order to open up more leased parking spaces.

Motion

Mrs. Miller moved, Mr. Mandichak seconded that, at this time, Council will not be offering any additional lease spaces to the Next Step Center.

Motion Unanimously Carried

g) *Surplus Vehicles/Equipment – Consider authorizing the public bidding on Municibid Website and to authorize the Borough to accept the highest bid for each item of sale.*

Ms. Enos stated that the Borough has a lot of surplus equipment and materials that we can use on a government bidding public auction site.

She said she needs Council's approval to accept the highest bid, because approval has to be received by Council before anything can be posted on their site.

Ms. Enos said that all Municipalities can be a part of this, too, because it is like a "one stop shop". We can get everything listed online with an "as is" disclaimer, and start the bidding at a baseline scrap value price.

Motion

Mrs. Opp moved, Mr. Shaulis seconded, to authorize the public bidding on Municibid Website, and to accept the highest bid for each item of sale.

Motion Unanimously Carried

Committee Business/Reports:

h) *Manager's Report – Given by Michele Enos.*

Ms. Enos said that she has nothing further to report.

i) *Finance Report – Given by Brett Peters.*

General Fund:

Revenues – 26.70%

Expenses – 29.49%

Water Fund:

Revenues – 55.94%

Expenses – 38.64%

Sewer Fund:

Revenues – 34.68%

Expenses – 34.40%

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

Mrs. Ream asked if Council could be presented with the current Zoning Ordinance allowing chickens in the Borough so they can have a better understanding of this Ordinance. This would help to make a determination of where to go from here with this issue.

Mrs. Ream also mentioned that on June 3rd, 2023 Somerset Hospital is working along with Somerset Area Ambulance, UPMC and the Pine Grill to do CPR classes. Training on how to use a defibrillator, along with learning different types of First-Aid, will be taught.

She said that if someone is interested in the CPR classes, they have to call to get a time slot. It will be held at the Somerset Area Ambulance base.

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

Mr. Hoffman said that work continues at the Brinker Building. There are robust work groups moving through there, with people who work hard every day, to help speed things up a bit. They are planning to add multiple work days through the week to keep things moving.

The Farmer's Market kicked off this past weekend and will be continuing every Saturday from 9:00 a.m. to 1:00 p.m. through the summer. It was well attended with 200-300 people. Somerset Inc. hopes to include more educational elements to the Market where people can come share their knowledge.

Mr. Hoffman mentioned that the "Chalk the Block" planning is in full swing.

Also, the initial meeting for "Fire & Ice" is coming up.

l) PSAB Report – Given by Fred Rosemeyer.

Mayor Rosemeyer said that the annual PSAB Conference is coming up June 2nd - June 7th, 2023 at the Hershey Lodge in Hershey, PA. He said that Chief Cox is one the presenters for it.

m) Somerset Volunteer Fire Dept. Report – Given by Steve Shaulis.

Mr. Shaulis said that, in the last month, the Fire Department had a total of 23 calls, with 6 in Somerset Borough, 12 in Somerset Township, 2 on the PA Turnpike and 3 assists to Donegal and Friedens.

n) Engineer's Report – Given by Jake Bolby.

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

WATER:

Mr. Bolby stated that construction is active on the Water Project. The progress is on schedule.

He mentioned that if Council received any comments or concerns that are valid, and it needs to be addressed, Mr. Baily is presently maintaining a list so it can be taken care of and resolved.

SEWER:

Mr. Bolby said that the sewer design on the large Sanitary & Storm Project continues on. More will be seen on that in years to come.

GENERAL:

Mr. Bolby said that at the last meeting, the Flood Protection Grants for Coxes Creek and Parson's Run were authorized. They will be prepared and submitted by the deadline.

Ms. Enos mentioned that the culvert underlying Church Street is deteriorating to the point where it was creating holes in the roadway, significant enough, so repair work will have to be done.

Mr. Bolby said that the life of the repairs should last approximately 25-50 years.

Ms. Enos noted that there will be bidding for this project, so a Contractor will come in and do the work.

She said that they had to get a DEP Permit because there is a stream underneath there as well. The project is being done under an Emergency Order.

The Borough has funds in the General Fund that can be allocated towards this project, so we will be using that and completing the work. The construction cost is between \$30,000.00 and \$50,000.00 for repairs, including the roadway restoration on the top of it.

She said that Mr. Bolby will be setting up the bid specifications for the project, and it will be reported to Council as it moves along. Council will be awarding the bids once they are put out for advertising.

Mr. Bolby said, regarding the Center Avenue Sidewalk Project, there is a Pre-Construction Meeting scheduled with the Contractor on Wednesday. Once the meeting is held, a meeting will be scheduled with all property owners in that area. Construction will become more intense on Center Avenue, and there will be times when the road will be completely closed.

Mr. Bolby said that once we get the Contractor's scheduled, the details will be discussed, and the information will be relayed to all that are affected.

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

Mayor Rosemeyer mentioned that there are complaints of vagrants being seen in various areas of the Borough.

Chief Cox detailed different areas in the Borough, and outside of it, where this is a problem. He said that the only thing that exists right now, is if we have a complaint from a property owner, it could be a trespass issue. Or if someone is doing this within a residential area, the Department could probably go with an offense out of the crime scope called "Loitering and prowling at night time". He added that as far as any other type of Ordinance, there really aren't any, and Vagrancy Ordinances are very tough.

Ms. Enos said that Solicitor Cascio will explore other Vagrancy Ordinances to see how they are structured, then Council can take a look at them.

Mayor Rosemeyer also mentioned that Officer Catherine Fry didn't want to resign her position from the Somerset Police Department, but she needed a full-time job along with a pension. He expressed that he was sorry to see her go, and that she was a very good Officer.

Chief Cox mentioned that the Department needs to re-order and re-stock the Police Departments parking tickets. He said that before he does this, he always shows Council the face of the ticket in case they want to make any adjustments to any of the fines. He added that he doesn't want to order all the tickets until Council agrees with the fines listed on the tickets.

Mayor Rosemeyer also mentioned that the County Boroughs Association will hold their meeting June 29th, 2023 at Somerset Country Club. He said that thanks to EADS, and their generosity, all Council Member's meals are free of charge.

Borough Council agreed, as a whole, not to deliberate any further about the playground issue Ms. Heiple talked about, until there is a concrete financial commitment.

It was suggested that Ms. Heiple should consider getting a Committee together this year, and discuss this issue with Council again next year.

11. Executive Session – To discuss matters of employee contract negotiations.

Motion

Mr. Mandichak moved, seconded by Mr. Shaulis to go into Executive Session to discuss matters of employee contract negotiations.

Motion Unanimously Carried
6:23 p.m.

Back in Session

7:00 p.m.

Motion

Mrs. Opp moved, Mrs. Miller seconded, to adopt the Drop Program for those eligible, based on years of service and retirement age, up to 5 years with a fixed interest rate of 3.5%.

Motion Unanimously Carried

Motion

Mrs. Miller moved, Mr. Shaulis seconded, to authorize a cost study for the Drop Program for the Management Plan and other Union Employees.

Motion Unanimously Carried

Motion

Mrs. Miller moved, Mrs. Opp seconded, to adopt the Early Retirement Plan that was presented during negotiations with the F.O.P., and to have Administration and Solicitor prepare the necessary Ordinance.

Motion Unanimously Carried

Discussion occurred among Council before the following motion was presented.

Motion

Mrs. Miller moved, Mr. Hoffman seconded, to authorize the position of Municipal Authority Manager at a salary range of \$90,000.00 to \$100,000.00.

Motion Unanimously Carried

12. ADJOURNMENT

Motion

Mr. Hoffman moved to adjourn; motion seconded by Mrs. Miller.

Motion Unanimously Carried

7:15 p.m.

Michele A. Enos, Borough Manager/ Secretary