

**JOINT MEETING – Somerset Borough Council & Municipal Authority of the
Borough of Somerset
June 26th, 2023 - 5:00 p.m.**

JOINT MEETING AGENDA

1. Joint Meeting Called to Order:

- a) Borough Council Meeting Called to Order – *President Ream*
- b) Municipal Authority Meeting Called to Order – *Chairman Flower*

2. Pledge of Allegiance

3. Roll Call:

- a) Borough Council Members present: *Pam Ream; Lee Hoffman; Ruby Miller; Sue Opp; Steve Shaulis; Jim Clark and Ian Mandichak.*
- b) Mayor: *Fred Rosemeyer* also present.
- c) Also present were the following: *Borough Manager, Michele Enos; Administrative Assistant, Roger Bailey; Solicitor, James Cascio and Consulting Engineer Jake Bolby.*

Roll Call:

- a) Municipal Authority Members present: *Ruby Miller; Jessica Sizemore and Ben Flower.*

Public Attendance:

- a) *Carolyn Zambanini and Jon Wahl from STMA.*

4. New Business – Joint Discussions:

- a) *STMA – Carolyn Zambanini and Jon Wahl requested to be on the Agenda.*

Ms. Zambanini stated that she was in attendance on behalf of Somerset Township Municipal Authority, and the Community, as a whole. She noted that Somerset County invested millions of dollars in the Quemahoning Water System to make expansion of water service in Municipalities possible. She expressed that we should all be doing our best to capitalize on that asset and reinvest in that system. STMA, as well as Somerset Borough, want their community to grow, and a stimulus to that growth is infrastructure.

Ms. Zambanini expressed that she is at a loss why Somerset Borough and Somerset Township cannot work together on such an endeavor.

She mentioned that an STMA customer, who was connected to the Oakridge Water System in 2015, is now experiencing pressure issues. STMA feels it is due to an increased demand on the STMA's system with the growth of customers along the 601 corridor that have tapped onto the system since 2015.

Ms. Zambanini noted that the expansion and growth along the 601 corridor has been enjoyed by Somerset Township. She said that Somerset Borough has also enjoyed that through increased water sales with little, if any, contribution on their part to increase its revenue in that area.

She said that in addition to the monthly revenue that the Borough receives, reserve capacity fees of \$7.00/per gallon are paid by STMA for any new water they purchase from the Borough. She stated that this is nearly 10 times what the Borough charges their customers in the Borough. She expressed that she is not sure that she understands this.

Ms. Zambanini noted that both STMA & Borough Staff have a great working relationship. They work together on providing materials, expertise, equipment and support. She added that the Administrative side of the Township & Borough has also improved. But she is unsure why both parties have to continue the awkward and disagreeable relationship that their predecessors had. She expressed that they have to work together for the betterment of the Community.

Ms. Zambanini pointed out that STMA is, by far, the Borough's largest customer purchasing more than 2 million gallons of water and paying over \$1.4 million dollars in 2022 to the Borough.

Ms. Zambanini stated that she sent a letter to Council with her information from STMA's customer regarding expanding their facility, and also STMA's request to remove that Plaza from the Inter-Municipal Agreement STMA has with the Borough and other parties involved.

She said that the bottom line is that STMA has a willing private sector customer who is willing to partner with STMA on extending much needed water infrastructure on the north end of the Borough's water system and STMA's water system. She expressed that why STMA and the Borough doesn't take advantage of a private sector partner, when we have the opportunity to do so, is something she doesn't understand. She expressed that it is going to get worse with more customers tapping onto the water system. She noted that the Township is going to continue to expand, so the issues at Walmart, the end of the system, are going to continue to grow because of the lack of water that STMA can get up there.

Ms. Zambanini requested that Borough Council approve STMA's request to remove the Walmart Plaza, and also that discussions ensue immediately regarding the Amendment to the Inter-Municipal Agreement that was signed in July, 2023. She added that all parties need to review the Agreements, and try to have a better working relationship.

Ms. Zambanini also stated that she is unsure why there is a problem between STMA's Engineers and the Borough's Engineers. She said that they need to work together, and discuss how to work together. She then respectfully requested that they have these discussions, as well.

Mr. Bolby stated that the Borough's Engineers are always "willing and able" to meet with STMA's Engineers, as long as they are all forthcoming.

Ms. Zambanini mentioned that Somerset Engineering is STMA's Engineers. Jon Wahl is now a part-time employee with STMA. He helps with their projects. She noted that he retired from Somerset Engineering 2 years ago.

Mrs. Ream noted that the letter Ms. Zambanini sent to Council was received. She said that Council has not met since the letter was received due to Council Members not being available to meet. She said that she is not willing to give an immediate answer to Ms. Zambanini's request until discussions occur between Council Members regarding this matter.

Ms. Zambanini pointed out that SMTA first made their request to Borough Council on February 24, 2023.

Mrs. Ream noted that Borough Council had asked STMA for additional information that they were advised would be helpful in a decision, and they were not provided with this information by STMA. She also mentioned that she was unaware that there was a bad working relationship between STMA and the Borough that Ms. Zambanini kept referencing to.

Ms. Zambanini rhetorically questioned Mrs. Ream by saying "So a request made on February 24th, 2023, and we're sitting almost in July, represents a good working relationship?"

Ms. Enos noted that Council requested information from STMA in April 2023 after STMA's initial request in February. Since then, there were a few Municipal Authority Meetings cancelled. She explained that Council relies heavily on recommendations from the Borough's Municipal Authority involving water and sewer. She added that she had met with Ms. Zambanini since the initial February meeting. Borough Council, in the meantime, had received Ms. Zambanini's letter. Nothing else has transpired since then.

Mrs. Ream said that she and Ms. Enos have discussed setting up a special meeting between when they received Ms. Zambanini's letter and now. She said that the special meeting was to be scheduled at this meeting so they can all have a clear understanding. Mrs. Ream added that she needs more information, herself, so that she can make an informed decision.

Mr. Wahl asked if Council could identify what information they were looking for from STMA.

Mrs. Ream asked if the customer along the 601 corridor in question is the only customer experiencing low water pressure. Mrs. Zambanini answered by saying that this is what she is aware of now.

Mrs. Ream asked Ms. Zambanini if the Borough cannot presently get water pressure out to this customer. Ms. Zambanini answered by saying that if the water pressure is increased at the meter pit at Wendy's restaurant, STMA will experience all kinds of problems between there and Walmart with pipes being unable to tolerate the pressure.

Solicitor Cascio said that this is a question that should be discussed between the Engineers. He added that this is the advice he has for Borough Council.

Mr. Wahl stated that with previous pressure increases, this has caused all of the fire suppression system to go off at Tractor Supply. He said that this is well documented, because it has happened many times.

Mr. Wahl said that he fails to understand how the Borough needs to analyze the pressure within the operation or delivery of water within the Township Municipal Authority System. He expressed that this is the fundamental disconnect between the Borough and STMA. He said that this is the question that has been asked by the STMA Board multiple times.... "Why does the Borough want to, need to, or believe they should make a determination with regard to the autonomy of the operation of the Municipal Authority system?" He noted that a prime example of this is when the chlorine residuals dropped last summer and the Municipal Authority was cited by the DEP. The Borough was not notified of it although all the water came from the Borough. He added that once it passes through the meter, the delivery of the water belongs to STMA, and from this point, it is not the Borough's system.

Mrs. Ream mentioned about the comment Ms. Zambanini made when she mentioned about the Agreements needing opened for discussion. She quoted Ms. Zambanini's statement when Ms. Zambanini stated that "There were some things that shouldn't be in the Agreement anymore, especially for one of their biggest customers." Mrs. Ream expressed, that from a compliance standpoint, people shouldn't be treated differently. Mrs. Ream said that she needs further explanation of this statement, because she has to make sure that legally, and compliance wise, that

we are not stepping over anything by opening the Agreements up that links back to any other Contracts or Agreements that we have.

Ms. Zambanini again mentioned the Borough's tap fees to Mrs. Ream. She said that tap fees for Borough customers are \$250.00. Township customers pays \$2,450.00 for a tap fee. Ms. Zambanini added this example is not treating everyone the same.

Ms. Enos added that for the bulk rate customer, this discussion has been occurring with the Municipal Authority as well.

It was agreed amongst Borough Council to set up a Special Meeting to discuss this issue.

MUNICIPAL AUTHORITY MEETING AGENDA

1. Approval of Minutes of Previous Meeting(s):

a) April 17th, 2023 – Municipal Authority Meeting Minutes.

Motion:

Mrs. Miller moved, Mrs. Sizemore seconded, to approve the April 17th, 2023 Municipal Authority Meeting Minutes.

Motion Unanimously Carried

b) Approval of Agenda – Consider approving the agenda as presented.

Motion:

Mr. Flower moved, Mrs. Sizemore seconded, to approve the June 26th, 2023 Agenda.

Motion Unanimously Carried

2. New Business:

a) Status of Projects – Updates from Mr. Bolby.

WATER:

1) Water System Capital Improvement Projects:

Mr. Bolby stated that the Water Project is ongoing and underway.

He mentioned that Kukurin Contracting is about 5% complete. Their focus is on Edgewood to make sure that we take advantage of mill & overlay that is going to be provided by PennDOT. We look to be on schedule there. But as we get closer, we are going to ask them to be more confident in their schedule to make sure we hit those deadlines.

b) Change Order No. 2 – Kukurin Contracting in the amount of \$18,740.00 for the installation of sanitary sewer pipe, fittings and couplings encountered during the installation of the waterline.

Mr. Bolby mentioned that this Change Order is for repairs on sanitary sewer whenever they encounter them. Kukurin will complete them rather than the Borough.

Motion:

Mr. Flower moved, Mrs. Sizemore seconded, to approve Change Order No. 2 – Kukurin Contracting in the amount of \$18,740.00, for the installation of sanitary sewer pipe, fittings and couplings encountered during the installation of the waterline.

Motion Unanimously Carried

c) Water and Sewer System Rules & Regulations – Discussion concerning the changes to the Rules and Regulations to be effective January 1, 2024.

Mr. Bolby stated that he provided Ms. Enos with the latest draft of the Rules & Regulations. It has incorporated all the comments that were gathered over the past 1-2 years. It is in its final position. It should be ready for January 1, 2024.

SEWER:

1) Assessment, Repair, and Abatement Plan (Hydraulic Overload):

Mr. Bolby said that the sanitary sewers are about 20% complete with design.

There is a Planning Consultation Meeting scheduled with PennVEST on July 11, 2023. Along with PennVEST, other parties that will be present at the Meeting will include Borough Staff, the Engineers, USDA and DEP.

Mr. Bolby said that the H2O PA Application is still under consideration. We may hear back on that sometime in July 2023. Updates will follow once more information is received.

GENERAL:

Mr. Bolby stated that 3 Grant Applications went in at the end of May 2023 for:

1. Coxes Creek Flood Protection Project
2. Parsons Run – Bank Stabilization Project
3. Church Street – Box Culvert Project

Mr. Bolby noted that the Box Culvert Project was advertised on June 15, 2023. The Bid Opening is scheduled for July 12, 2023. A Pre-Bid Meeting will be held on Wednesday for the sinkhole repairs and damage to the wall.

Mr. Bolby said that the Contractor's expect to start the Center Avenue Sidewalk Project in August, 2023. The Water Contractor has cleared that area. Columbia Gas is still there. There is still some time to go before they start to occupy that area.

3. Payment of Bills/Requisitions:

- a) None

4. ADJOURNMENT

Motion:

Mr. Flower moved to adjourn, seconded by Mrs. Sizemore.

Motion Unanimously Carried
5:35 p.m.

BOROUGH COUNCIL MEETING AGENDA

1. Approval of Minutes of Previous Meeting(s):

a) May 22nd, 2023 – Borough Council Meeting Minutes.

Motion:

Mr. Shaulis moved, Mr. Mandichak seconded, to approve the May 22nd, 2023 Borough Council Meeting Minutes.

Motion Unanimously Carried

b) Approval of Agenda – Consider approving the agenda as presented.

Motion:

Mrs. Miller moved, Mr. Shaulis seconded, to approve the June 26th, 2023 Agenda.

Motion Unanimously Carried

2. Opening of Bids:

a) None

3. General Public Comments:

a) None

4. Administrative Business:

a) Communications (None)

b) Payment of Bills for the month of June 2023.

Motion:

Mrs. Miller moved, Mr. Mandichak seconded, to approve the payment of bills for the month of June 2023 numbered 40085 - 40262 totaling \$1,830,630.27.

Motion Unanimously Carried

- c) Department Reports – Consider approving the Departmental Reports for the Month of May 2023.

Motion:

Mrs. Opp moved, Mrs. Miller seconded, to approve the Departmental Reports for the month of May 2023.

Motion Unanimously Carried

Old Business:

- a) Somerset Vol. Fire Dept – Update from Solicitor concerning the request to create an ordinance to bill for services.

Solicitor Allyson Lonas said that, currently, there is no State Law that requires insurance companies to pay reimbursements to a fire department. There were some Bills in the House that never passed to allow those reimbursements, however, there are different Regulations and Ordinances that can be created to get the reasonable Administrative costs back from the area the fire department responds to.

Solicitor Lonas explained that under the Insurance Law, there is a \$7,500.00 maximum when someone has damage to their property from a fire, so that can be covered. The Borough could create an Ordinance that can directly bill the person that had damage to their structure, then they in turn, would pay the Borough to recover their costs. Another Ordinance can be created to directly bill the insurance company, but there is no enabling legislation to allow for this at this time. She said that other Municipalities are creating an Ordinance that allows the opportunity to gather the costs.

Mr. Clark brought out that the Somerset Fire Department currently bills for out-of-the-area accidents, but do not bill local taxpayers.

Different suggestions on what to include in a newly proposed Ordinance were discussed.

Ms. Enos said that sample Ordinances will be reviewed by Solicitor Lonas. A sample Ordinance, when created, will be brought back to Council for their review.

Motion:

Mr. Mandichak moved, Mr. Hoffman seconded, to authorize the Solicitor to provide Council with a sample Ordinance to bill for services for the Somerset Volunteer Fire Department.

Motion Unanimously Carried

5. Policy Agenda:

New Business:

- a) Somerset Vol. Fire Dept – Requesting a donation for the annual Golf Fundraiser. In the past we have donated \$100.00 to sponsor a “hole in one”.

Motion:

Mrs. Miller moved, Mrs. Opp seconded, to donate \$100.00 to sponsor a “hole in one” for the annual Golf Fundraiser.

Motion Unanimously Carried

- b) Mary S. Biesecker Library – Requesting to re-appoint Marsha Dykstra to serve a 3 year term on their Board of Directors.

Motion:

Mrs. Ream moved, Mrs. Opp seconded, to re-appoint Marsha Dykstra to serve a 3-year term on their Board of Directors.

Motion Unanimously Carried

- c) Mary S. Biesecker Library – Requesting to re-appoint Megan Will to serve a 3-year term on their Board of Directors.

Motion:

Mr. Mandichak moved, Mr. Clark seconded, to re-appoint Megan Will to serve a 3-year term on their Board of Directors.

Motion Unanimously Carried

- d) Mary S. Biesecker Library – Requesting to re-appoint Annette Isgan to serve a 3-year term on their Board of Directors.

Motion:

Mr. Clark moved, Mr. Shaulis seconded, to re-appoint Annette Isgan to serve a 3-year term on their Board of Directors.

Motion Unanimously Carried

- e) UPMC-Somerset – Requesting 3 parking spaces located directly in front of the Kimberly Avenue/Somerset Family Practice Office to be designated as “patient only” parking.

Mrs. Ream said that these 3 parking spaces are in a very small parking lot located directly in front of the South Kimberly Office. UPMC-Somerset would like these spaces for some of their elderly patients.

Mrs. Ream noted that there is a big parking lot below this area, but elderly patients would not be able to walk up the hill if parked in the lower lot. UPMC-Somerset is requesting that these 3 additional parking spaces be designated as “UPMC Somerset Family Patient parking only.”

Motion:

Mrs. Miller moved, Mrs. Opp seconded, to approve 3 additional parking spaces, located directly in front of the Kimberly Avenue/Somerset Family Practice Office, to be designated as “patient only” parking.

Motion Carried – 6

Abstained 1 – (Mrs. Ream)

f) Chamber of Commerce – Requesting us to purchase an advertisement in the Chamber's Annual Directory.

Ms. Enos stated that the Chamber of Commerce is requesting Borough Council to renew its advertisement in their Annual Directory. There are different page sizes to choose from for advertisement if Council chooses to participate. A ½ page advertisement is \$825.00, a ¼ page advertisement is \$615.00 and a 1/8-page advertisement is \$395.00.

Last year Borough Council participated with a ½ page advertisement. Included in the advertisement was the Library, the Fire Department, Police Department and services such as the playground and Uptown Shopping District.

Discussion was held among Council Members regarding this renewal request.

Motion:

Mr. Mandichak moved to purchase a 1/8-page advertisement in the Chamber's Annual Directory in the amount of \$395.00.

There was no support for this motion by any other Council Member so, as a result, the motion dies.

Committee, Administration, Special Reports

a) Manager's Report - (Enos)

Ms. Enos said that the Borough will coordinate with "Chalk the Block", the parade, and the 4th of July activities.

b) President's Report – (Ream)

Mrs. Ream said that she had nothing else to report.

c) Finance Report – (Peters)

Mr. Peters provided Borough Council with the Year-to-Date Financial Report through the month of May 2023.

<u>General Fund:</u>	<u>Water Fund:</u>	<u>Sewer Fund:</u>
Revenues – 65.41%	Revenues – 67.15%	Revenues – 43.59%
Expenses – 37.66%	Expenses – 51.00%	Expenses – 44.66%

d) Engineer's Report - (Bolby/Reilly)

Mr. Bolby said that he had nothing further to report.

e) Somerset Inc. Representative – (Hoffman)

Mr. Hoffman said the Brinker Building is coming along well.
The Farmer's Market continues to get more robust.
"Chalk the Block" is right around the corner.

Somerset Inc.'s next Board Meeting will be held on June 27th, 2023, where they will be welcoming 3 new Board Members: Michael Riggs, Madeline Walker and Andy Gindlesperger. They will also be electing their new Executive Board, as well.

f) Fire Department Representative - (Clark)

Mr. Clark stated that from May 22nd to June 26th the Fire Company ran 33 alarms, 14 were in the Borough, 14 were in the Township, 3 assist calls and 2 on the Turnpike. He noted that the fire alarms are increasing in the Township and Borough.

Mr. Clark said that there was a huge gas leak Uptown. The whole corner needed evacuated. The Police Department and Borough Staff assisted in this very huge effort.

Mr. Clark said that another gas leak happened today. A 2" pipe was hit. Once again, the Police and Municipal Maintenance helped in this huge undertaking. The Somerset Fire Department also had to reach out to Rockwood & Sipesville Fire Departments for assistance. He thanked everyone for their help, and added, it was really appreciated.

He also thanked the Borough Garage, Ms. Enos, Mr. Bailey, Matt Diamond, and all involved, for their help in producing enough water at the fire hydrant in the Industrial Park. He mentioned that the Fire Department had a Water Hydrant Class there yesterday and can now get the water they need. They were able to flow 1,750 gallons/per minute, enabling them to produce enough water supply in that area. The Fire Department previously could not get all the water out of the hydrant that it was producing.

The Ladies Auxiliary also participated in the Car Cruise at Memorial Highway's Dealership last weekend.

The Fire Department also participated in various training sessions including "The Safety Stand-Down" on June 18th – 24th, 2023 which concentrated on electric vehicle fires. The Fire Department also went on a tour of the facility at UPMC Twin Lakes, and will attend their Grand Opening on June 29th, 2023.

Mrs. Ream also thanked Mr. Baily and Mr. Glessner for their help when the waterline was hit at Somerset Hospital. She said that it was fixed quickly with no ill effects at the hospital.

g) PSAB Representative – (Rosemeyer)

Mayor Rosemeyer said that the PSAB Conference was held in June 3rd – 7th, 2023. He thanked Chief Cox for delivering 3 separate presentations along with the Attorney General's Office. He expressed that it was very well done, and the Conference was very successful. The former quarterback, Joe Theismann was the Keynote Speaker.

Mayor Rosemeyer also mentioned that the County Boroughs Association will meet on June 29th, 2023 at the Somerset County Club. There will be 40 in attendance.

h) Solicitor's Report – (Cascio)

Solicitor Lonas noted that they looking into the gambling businesses within the Borough and creating an Ordinance regarding them. She said that this may be a matter for Executive Session because it can lead to potential litigation. She mentioned that there is presently a case in the Supreme Court on the legality of skill games and games of chance. She added that this will be discussed at a later date.

i) Mayor's Report – (Rosemeyer)

Mr. Rosemeyer had nothing further to report.

6. Executive Session – None requested.

Council scheduled a Special Executive Session with its Municipal Authority for July 10th, 2023 at 5:00 p.m.

7. ADJOURNMENT

Motion:

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

Motion Unanimously Carried
6:10 p.m.

Michele A. Enos, Borough Manager/ Secretary